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Publications of the University of Virginia
Phelps-Stokes Fellowship Papers
Number Four

102
1896

The Negro in Virginia Politics, 1865-1902

BY

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Charlottesville, Va.
The University of Virginia Press
1919

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EDITORIAL NOTE.

The Phelps-Stokes Fellowship for the study of the Negro was founded at the University of Virginia in 1912 through a gift from the trustees of the Phelps-Stokes Fund. It is the duty of the holder of the Fellowship to stimulate and conduct investigation and to encourage and guide a wider general interest among students concerning the character, condition, and possibilities of the negroes in the Southern States.

With this object in view the successive incumbents have organized classes for study that have been well attended and diligent. Special investigations have been carried on by each Fellow; related topics have been assigned for study by individuals and groups, and the results presented for class discussion; and from time to time men distinguished as thoughtful students of negro life have been invited to lecture at the University. Several studies, of which this is Number Four, have been considered of sufficient importance to merit publication. In no case, however, is the University or the Phelps-Stokes Fellowship Committee to be considered as passing judgment on the conclusions of these papers.

PREFACE.

The seriousness of the race problem in the social and political life of any one of the United States varies directly with the percentage of the negro element to its total population. In 1865 forty-two per cent of the population of Virginia was colored. Negroes were in the majority in forty-three of the one hundred counties of the State. In 1902 Virginia ranked fifth in the Union in the number of its negroes, and seventh in the percentage of negroes to its total population. There were 1,192,855 whites and 660,772 blacks in the State. Negroes, therefore, formed 35.7 per cent of the population. The race problem was rendered more acute by the fact that the greater part of the negro population was found in the Tidewater and Piedmont sections. Negroes were in the majority in thirty-five of the counties.¹

In over one-half of the Northern states, at this time (1902), negroes did not constitute one per cent of the population. Massachusetts, with a population of 2,801,738, had only 31,974 negroes, 1.2 per cent of the total population. It ranked twenty-fifth in the Union in number of negro inhabitants and thirty-first in the percentage of negroes to its total population. Even these figures did not express the difference in the problems confronting the two great sections of the country, for in the Northern States, illiteracy among the negroes was comparatively small, while in Virginia over fifty per cent of the male negroes of voting age were illiterate.²

The Northern student of race relations is too far away to understand the Southerner's problem—even though he may have a formidable array of facts and figures at his command. The Southerner, on the other hand, is too close to the negro to form an entirely unbiased opinion regarding him. Much harm has

¹ See map opposite page 147.

² About 12 per cent of the adult male whites were illiterate. This percentage was somewhat lower among the whites of the black belt.

been done to both races in the South by ignorance of conditions and by harsh criticisms of the South as a whole when things have gone wrong in one locality. It should be remembered by those studying race relations in the South that conditions prevailing in Virginia and in Georgia, for example, are entirely different in many respects. They are different in degree rather than in kind. The same may be said of Virginia and any one of the Northern states where the negro has become a problem, even in a very limited degree. Race troubles in East St. Louis and in other Northern cities show this to be a fact. They also show how truly remarkable is the present harmony between the two races of the black belts of the South.

Most of the friction between the races in the South since the War of Secession, has grown out of the work and teachings of political agitators who have sought to use the untutored negro to further their selfish aims. Few people realize that the political and racial troubles of the South did not end with the overthrow of the Reconstruction governments in the seventies, and that those troubles which followed were a constant reminder of that evil period in which they had originated. The negro may well be proud of the progress he has made, with the aid and encouragement of the white man, in bettering his condition during the last twenty years. It is the opinion of the author that this improved condition and the increasing harmony existing between the two races could only have come through the removal of the negro from sectionalism and politics.

In Virginia, prior to the War of Secession, the political traditions handed down from the days of Washington, Jefferson, Madison, Marshall, the Randolphs and other statesmen had cast an aristocratic dignity and *noblesse oblige* around politics and politicians that is not readily understood by those not acquainted with Virginia history prior to the war. This feeling made the people of the State choose well their political leaders and caused them to be most conservative in extending the suffrage. Not until 1850 was white manhood suffrage adopted, and a recognition of this political conservation prior to Reconstruction is essential to an understanding of the attitude of Virginians towards the participation in politics of their former slaves, led by unscrupulous adventurers.

The political history of Virginia since 1865 is of unusual interest. It tells of the struggle of a people, bled by four years of war and stripped of capital, to adapt their social, economic and political life to new conditions. Several monographs have been written which deal more or less with the part that the negro has played in the politics of this period. Professor J. A. C. Chandler, in his *Representation in Virginia*, and *History of Suffrage in Virginia*, gives brief accounts of the history of representation and suffrage in the State since 1865. These studies, however, deal mainly with the period before 1865. *Negroes and Their Treatment in Virginia from 1865 to 1867* by Professor J. P. McConnell gives a faithful account of the condition of the colored people just after their emancipation. Professor H. J. Eckenrode's *The Political History of Virginia during Reconstruction* and Professor C. C. Pearson's *The Readjuster Movement in Virginia* are valuable studies of the subjects they discuss.

Although much has already been written about Virginia politics since 1865, the author feels justified in adding to these works one which gives a connected account of the effect of the negro on politics and of politics on the negro in Virginia during the entire period from 1865 to 1902.

The author wishes to thank Professor Richard Heath Dabney and Miss Estelle Dinwiddie of the University of Virginia for many helpful suggestions. For the outline map of Virginia, showing the county boundaries and the natural divisions of the State, upon which the charts of this book are based, the author is indebted to Mr. Morgan P. Robinson.³ He also wishes to acknowledge the assistance of Mr. Noland W. Brown of the University of Virginia in drawing the charts.

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University of Virginia.

³ It was prepared by Mr. Robinson for his *Virginia Counties: Those Resulting from Virginia Legislation*, opposite page 124.

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CHAPTER I.

INTRODUCTION.

The negro has always been either an active or a passive factor in Virginia politics. Prior to the Revolution the Virginians attempted in vain to put an end to the nefarious slave trade, and they gave as one of the causes for the revolt from their mother country the enforced continuation of that trade. In 1778 the Commonwealth of Virginia went on record as the "first political community of the civilized modern world" to abolish the traffic.¹ The people of Virginia, like those of her sister states of the North and of the South, accepted slavery with the moral approbation of the world. Then came the spirit of freedom and democracy that destroyed the theory of the divine right of kings in most of Europe and found expression in the writings and deeds of Virginians in the days of the Revolution and of the founding of the Republic. The leaders of those days realized that the doctrines of the Virginia Bill of Rights and of the Declaration of Independence were markedly at variance with the institution of slavery. "I will not, I cannot justify it . . .," said Patrick Henry. "I believe the time will come when an opportunity will be afforded to abolish this lamentable evil. Everything we can do is to improve it, if it happens in our day; if not, let us transmit to our descendants, together with our slaves, a pity for their unhappy lot and an abhorrence of slavery."²

At this time negro slaves constituted almost fifty per cent of the total population of the State. They were but shortly removed from savagery and were utterly unfit for citizenship in a democracy. They were a social menace to their owners, and were beginning to be an economic burden. Thomas Jefferson pictured the situation truthfully when he said, "We have the wolf

¹ J. C. Ballagh, *A History of Slavery in Virginia* p. 23. (Johns Hopkins University Studies.) Hening's Statutes, ix, 471-472.

² G. Morgan, *The True Patrick Henry*, p. 246.

by the ears, and it is as dangerous to let go as it is to hold on." ³

Most Virginians were abolitionists, but not in the later sense of that word. The General Assembly of 1831-32 gave most of its time to a brilliant discussion of abolition. There was no more eloquent arraignment of slavery than that given in the debates of that session. Finally a bill that would have greatly encouraged manumission was defeated by one vote in the Senate, after having passed the House of Delegates. The defeat of any plan of emancipation was due to the fact that it could not solve the race question. It would have demoralized the whole system of labor in the State and would have left the large mass of ignorant freedmen with no adequate instruction or restraint. The helplessness of finding a way out of these difficulties, and the bitter aggressiveness and—from the Southern viewpoint—the pharisaic sectionalism of the New England Abolitionists, who were just beginning their agitations, closed the mouths of the anti-slavery men in Virginia and induced some to defend openly the unhappy institution with logic and with Scripture. But the conservative people of the State were always opposed to slavery in theory, although they could see no practical manner of ridding themselves of the institution.

In 1861 Virginians entered the War of Secession in an attempt to assert the right of nationality for the Confederate States, just as their forefathers had done in the days of the Revolution to gain American independence.

In 1865 they came out of the war freed from slavery but confronted with a tremendous racial and social problem in the great crowd of freedmen, who were poor, ignorant, unmoral, superstitious, easily led astray and utterly unused to the ways of freedom and self-control. They outnumbered the whites in almost half of the counties, the local units of government of the State. The difficulties of the situation were enhanced by the fact that the State government was no longer in the hands of those who understood conditions and who were most fit to administer it.

Before the radical element of the Republican party gained con-

³ Quoted in B. B. Munford, *Virginia's Attitude Towards Slavery and Secession*, p. 72.

trol of the Federal government the conservative leaders of both parties in the North looked upon negro suffrage as unwise and dangerous in the South,⁴ and not highly desirable in the North. In 1865 there were only six Northern States which permitted negroes to vote: Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and Wisconsin.⁵ In those States there were discriminations against them, with the probable exception of Maine. Yet negroes in the Northern States were not an appreciable factor in the population and were far more intelligent than the Southern ex-slaves. In the Federal capital, itself, they were not allowed to vote. On June 8, 1867, Congress passed a bill over the President's veto establishing negro suffrage in the District of Columbia. When the plan was submitted to the vot-

⁴ Oliver P. Morton in a speech at Richmond, Indiana, in September, 1865, said: "I believe that in the case of the four million slaves just freed from bondage there should be a period of probation and preparation before they are brought to the exercise of political power * * * To say that such men, just emerged from slavery, are qualified for the exercise of political power is the strongest proslavery argument I ever heard. It is to pay the highest compliment to the institution of slavery." He proposed that the suffrage be withheld from them until immigration had made a good white majority in the Southern States.

In his valedictory address of January 3, 1866, Governor Andrew, of Massachusetts, said: "It would be idle to reorganize those States [the Southern States] by the colored vote. If the popular vote of the white race is not to be had in favor of the guarantees justly required, then I am in favor of holding on just where we now are. I am not in favor of a surrender of the present rights of the Union to a struggle between a white minority, aided by the freedmen on the one hand, against a majority of the white race on the other. I would not consent, having rescued these States by arms from secession and rebellion, to turn them over to anarchy and chaos.

"I only know that we ought to demand and secure the co-operation of the strongest and ablest minds and the natural leaders of opinion in the South."

For the above quotations and for a further consideration of this subject, see William Henry Trescot, "The Southern Question," *North American Review*, October, 1876 (cxxiii, 249-280).

⁵ New York (and Tennessee) permitted limited Negro suffrage. G. T. Stephenson, *Race Distinctions in American Life*, p. 285.

ers, it was rejected by a vote of 6,521 to 35 in Washington, and by a vote of 812 to 1 in Georgetown. But negro suffrage was introduced, and after four years of trial proved so disastrous that Congress had to rid the District of the disturbing element in politics by disfranchising the whole population.

Unlimited negro suffrage had no place in Lincoln's plan of Reconstruction, or in the early Congressional plan. It was forced upon the South by a group of aggressive radicals led by Thaddeus Stevens as a means of their personal aggrandisement and of executing punishment and revenge upon the Southern States. Its effects in Virginia are shown in the pages that follow.

CHAPTER II.

THE BEGINNINGS OF NEGRO SUFFRAGE—1861 to 1867.

Prior to 1865 Virginia had enjoyed for four years the unique distinction of having two governments, the regular State government that was in the Confederacy and the shadowy revolutionary government set up in trans-Alleghany Virginia and recognized by President Lincoln as the government of all Virginia.

Although there was unanimity regarding secession in the counties that are within the present boundaries of Virginia, the trans-Alleghany counties opposed it and in June 1861 set up a government known as the "Restored Government of Virginia." F. H. Pierpont was made governor and in August 1861 the legislature met in Wheeling and gave the consent of Virginia to the formation of the new State of West Virginia from the counties that had seceded from Virginia. After having given away about all the territory over which it could really claim jurisdiction, the Wheeling government found itself in a foreign State. Governor Pierpont, therefore, changed his capital to Alexandria where his government represented a minority in a few border counties under the shadow of the Federal armies. Here his capital remained until the spring of 1865 when it was removed to Richmond after its evacuation by the Confederate forces.

In May, 1864, a constitutional convention was called by the "Restored Government." This convention, representing a constituency composed mostly of people from without the State and people with Northern sympathies, adopted a constitution limiting the suffrage to (loyal) white male citizens of the Commonwealth.¹

By recognizing this government on May 9, 1865, President Johnson gave Virginia a government of her own shortly after the close of the war. Governor Pierpont suddenly found himself governor in deed as well as in name, and was recognized as

¹ Constitution of 1864, Article III.

such by the people of the State. The people of Virginia now desired peace and restoration. The questions of state rights and slavery had been settled in fact, whatever their theories might have been.

After the struggle for state rights had, with Lincoln's Emancipation Proclamation in 1863, "degenerated," as Governor Letcher expressed it, into a war for the emancipation of slaves,² it was evident that the defeat of the Confederate armies meant the end of slavery.

On June 19, 1865, an extra session of the legislature that had previously met in Alexandria was called. This legislature passed some much needed laws regarding freedmen, and also an enabling act which resulted in the removal of the clauses in the constitution of 1864 disfranchising those who aided the Confederacy. Just before the adjournment of this Assembly, Speaker Downey congratulated its members that the State had been delivered from the hands of the "Abolitionists" (the radical Republicans). "Virginia," he said, "is now safe. Whatever they may do to other states, thank God they cannot now saddle negro suffrage upon us."³ This utterance, though coming from the foreign and Union element in Virginia, is not surprising in view of the fact that the negro was not only denied the suffrage in most of the Northern States but was even forbidden to enter some of them with the intention of residing.⁴ Speaker Downey was but ex-

² "It is no longer a war for the preservation of the old Union, as it was originally proclaimed to be, but it has degenerated into a war for the emancipation of our slaves." *House Journal and Documents*, 1863-64.

³ H. J. Eckenrode, *Political History of Virginia during Reconstruction*, p. 30. (Johns Hopkins University Studies, vol. xxii).

⁴ For example, Illinois, in 1853, put on her statute books a law making it a misdemeanor for a negro to enter the State with the intention of residing. In 1862, this law was made a part of the State constitution. In Article XVIII, Section 1, it was enacted that "No negro or mulatto shall immigrate or settle in this State after the adoption of the constitution."

"This article of the constitution," observed Mr. Munford, "was submitted to the popular vote separately from the body of the constitution, and, though the latter was rejected by over 16,000 major-

pressing the sentiment of the great body of conservative men of the North at that time. But the unfortunate personality of President Johnson, the necessary but unwise vagrancy laws of the Southern States and the growing need of the Republican party for extreme measures to keep itself in power brought the Radicals in Congress to the front.

Governor Pierpont, though a staunch Union man, was very conservative and for that reason soon lost favor with the radicals in his party. These men, for the most part scalawags and carpetbaggers, desired to gain control of the State for their own purposes by disfranchising most of the whites and giving the ballot to the ignorant negroes. On June 12, 1865, the Republicans of the Radical center, Alexandria, formed a political association. They adopted resolutions to the effect that the State was in danger of coming under the control of secessionists and that this should be prevented; and "that the constitution of Virginia should be amended so as to confer the right of suffrage upon, and restrict it to, loyal male citizens without regard to color." This "Union Association of Alexandria," as it was called, also urged the people of the North, and Congress, to regard the Pierpont government as merely provisional and to order an election of members to a state convention in which all loyal men should vote regardless of their color. According to Mr. Eckenrode, "This was the first announcement of the advocacy of negro suffrage by the Republican party in Virginia."⁵

The State elections in the fall of 1865 resulted in the amendment of the Alexandria constitution of 1864 so as to extend the franchise to those who had aided the Confederacy, and to allow

ity, the former was made a part of the organic law of Illinois by a majority of 100,590. This vote was taken in August, 1862, and thus, barely a month before Mr. Lincoln's first Proclamation of Emancipation, the people of his own state, by a vote approaching unanimity, placed in their constitution this clause preventing free negroes from coming into their commonwealth."

Munford, *Virginia's Attitude Towards Slavery and Secession*, pp. 171-172.

⁵ H. J. Eckenrode, *Political History of Virginia during Reconstruction*, p. 33.

them to hold office. As a result, the legislature that met on December 4—the very day that the Virginia delegates were refused seats in Congress—was a very representative and conservative body. John B. Baldwin, of Augusta county, an ex-congressman of the Confederacy and one of the ablest and best politicians of the State, was made speaker of the House of Delegates. R. M. T. Hunter, William Smith and others of like prominence in the Commonwealth were members of the Assembly. The conservatism of this body may be inferred from the fact that out of the ninety-seven members of the House of Delegates all but one were old line Whigs.⁶

There was plenty of work for this legislature to do for a war-stricken State. It attempted to win back West Virginia, and, since that was impossible, to effect with that State a reasonable adjustment of the public debt. On March 2, 1866, the Assembly passed by a unanimous vote an act to provide for funding the interest on the public debt. One-third of the debt was considered as West Virginia's share.⁷ In order to put an end to the rumors that the Assembly would repudiate the State debt, this legislature passed the following joint resolution:

"1. *Resolved*, That this General Assembly will pass no such acts of repudiation.

"2. That such legislation would be no less destructive of our future prosperity than of our credit, our integrity, and our honor."

This resolution of what may be regarded as the last General Assembly of the ante-bellum regime should be carefully borne in mind when considering the Readjuster legislation of 1879 to 1885.⁸

The greatest problem that confronted this legislature when it met in December, 1865, was the large number of aimless, vagrant freedmen. The State had been the main battle field of a long war. Many of her young men were dead; her capital was gone; her transportation system was crippled; the whole system

⁶ Eckenrode, *Political History of Virginia during Reconstruction*, p. 41.

⁷ *House Journal*, 1865-66, p. 448; *Senate Journal*, 1865-66, p. 312; *Acts of Assembly*, 1865-66, ch. 9, p. 79; *Ibid.*, ch. 35.

⁸ *Acts of Assembly*, 1866-67, ch. 73, p. 499.

of labor was demoralized. Although want and poverty were everywhere and labor was needed as never before, there was in many localities an abundance of freedmen who understood freedom to mean exemption from work and the ability to roam at will and to live by the aid of the Freedmen's Bureau and petty thieving. Many of them, in order to fully demonstrate their freedom, left their old homes. Often their wives and children were left as a further burden on their former masters. They crowded into the cities. They congregated in some places in the country, killed the cattle and poultry, and devastated the corn fields and melon patches. The whites of the State, scattered through the rural districts with little police protection, if any, were naturally alarmed at this condition of affairs.⁹

The reports of the military officers stationed in Virginia show that this tendency among the negroes was also causing them grave concern. They advised the negroes to go to work, and attempted to put an end to vagrancy among them by the use of their authority. An order of June 1, 1865, of General Gregg, who was stationed at Lynchburg, reads as follows: "No freedman can be allowed to live in idleness when he can obtain any description of work. Should he refuse to work he will be treated as a vagabond." On the day following the date of this order, another was issued by General Gregg to the effect that, "Able-bodied men will be prevented, as far as it is possible to do so, from deserting the women, children and aged persons: and where there is no good cause shown why they left, they will be sent back." General Duval at Staunton gave notice on June 2, 1865, "That all negroes now roaming the country will be made at once to break up their idle pursuits and seek employment." Colonel Brown, in a report of January 2, 1866, said that "in the neighborhood of Norfolk, Fortress Monroe and Yorktown, about seventy thousand negroes have been collected during the war. . . . In other districts, thousands of freedmen were roaming about without settled employment and without homes. In locali-

⁹ J. P. McConnell, *Negroes and Their Treatment in Virginia from 1865 to 1867*, p. 45. The newspapers of the period are filled with complaints of vagrancy among the negroes.

ties, least disturbed by the pressure or conflict of armies and where the average amount of land was under cultivation, the crops were suffering from want of proper attention." ¹⁰

The wages paid the freedmen were very low. The farmers were without capital and could afford to pay very little. On the other hand the freedmen showed no disposition to assume any responsibility for their contracts or their work, and consequently, their aid could not be depended upon in advance. At the same time they were encouraged by the carpetbaggers, and sometimes by the officers of the Freedmen's Bureau, to demand higher wages than had ever been paid in the State to either whites or blacks.

The need for legislation to prevent vagrancy was very great and the demand for such legislation was urgent and insistent, especially throughout eastern Virginia. Under these circumstances it was natural that the legislature should have attempted to find some relief for the situation. An act was therefore passed whose stringency was commensurate with the seriousness of the evil that existed. ¹¹

It was provided in this act that all beggars, except those who were incapable of labor, and all persons in the State who could not support themselves and their families and yet refused to work for the "usual and common wages given to other laborers in the like work in the place where they then were" be classed as vagrants. Along with these were placed all persons who came into the State and who had no occupation or visible means of support and who could not give an account of themselves or their business. If upon due examination a person was found to be a vagrant, he was to be hired out for any term not exceeding three months and the wages used for him or his family. Provision was made for the punishment of the vagrant should he attempt to escape from his enforced employment.

There was no distinction of color made in this law. Although it was intended primarily for the freedmen, the fifth section of

¹⁰ The quotations above are found in J. P. McConnell, *Negroes and Their Treatment in Virginia from 1865 to 1867*, pp. 48, 49.

¹¹ *Acts of Assembly*, 1865-66, pp. 91-93.

the second article of the law undoubtedly refers to the political adventurers who had already begun to swarm into the State in search of loot. The law resembled those enacted in the New England states when they were menaced by a large number of more or less ignorant and vagrant immigrants. It was stringent only for incorrigibles but was subject to abuse. Although circumstances demanded a stringent law, it was unwise at this time because it furnished at a critical period in national politics good material for Radical Republican propaganda. The practical working of the law was not tested, since it was annulled nine days after its passage by Major-General Terry on the ground that it would virtually restore slavery under another guise. It was, no doubt, on account of the misinterpretation of the vagrancy law that the legislature passed the following resolution on February 6, 1866:

"Resolved, That involuntary servitude, except for crime, is abolished, and ought not to be re-established, and that the negro race among us be treated with justice, humanity, and good faith, and every means that the wisdom of the Legislature can devise should be used to make them useful and intelligent members of society."

That the legislature wished to make it clear that, in their opinion, the time was not ripe for precipitating the ignorant freedmen into the electorate without preliminary training is shown by the further resolution "that earnest thanks are due the President for the firm stand he has taken against amendments of the constitution forced through in the present condition of affairs."¹²

That this legislature had no desire to re-enslave the negro is shown by the act of February 27, 1866,¹³ which repealed, for the most part, the old slave code. Even the laws prohibiting negroes from owning firearms or other weapons were repealed, in spite of the prevailing unrest among the negroes and the fear among many of the whites of negro insurrections.

On January 23, 1866, the condition of affairs in Virginia came before the Reconstruction Committee in Congress. The great majority of witnesses were Republicans, mostly radicals, who

¹² *Acts of Assembly*, 1865-66, p. 449.

¹³ *Acts of Assembly*, 1865-66, pp. 84-85.

were not even natives of the State, and in some cases their views were very extreme. For example, one witness, George S. Smith, when asked what the Virginians, if left to themselves, would do to the negro, answered: "They would entirely extirpate him from the face of the earth. They would first commence with the Union men and then they would take the negroes."¹⁴ This is an example of what some good people of the North were induced to believe by the Radicals. Most extraordinary rumors of all kinds were afloat. At this time more acts of violence were committed by members of both races in the State. The State government had wholly collapsed: the country was filled with vagrants, and the whole social as well as economic structure of the State was rapidly changing. The party in power also made the mistake of treating the political and racial questions in the South as a whole, in spite of the fact that conditions varied greatly in the different States.

The people of Virginia never blamed the negroes for the war and its evil consequences. In fact the fidelity of the great majority of them to their masters and their masters' families during the whole period of the war has always been remembered with appreciation by the white people of the South. The old servants still depended upon their former masters for advice and aid. The press and the official reports of the Federal officers stationed in Virginia indicate an increasing spirit of harmony between the two races from 1865 to 1867. It was the injection of the negroes into politics before they were sufficiently intelligent to assume the responsibilities of the franchise, and the radical influence of the Freedmen's Bureau officials, Union Leaguers, Northern political adventurers of all kinds and Northern school teachers that caused the friction that existed between whites and blacks after 1867.

The year 1866 was full of anxiety to the people of Virginia. At the end of the previous year, Congress had refused to admit

¹⁴ *Reports of Reconstruction Committee, Thirty-Ninth Congress, first session, Part 2, Virginia; Reports of the Secretary of War, Thirty-Ninth Congress, second session. Congressional Globe, 1865-66, pp. 1407-1411.*

their representatives. Lincoln's plan of early conciliation and restoration, that President Johnson had adopted, was doomed to failure. From the nature of the witnesses and the testimony they gave before the Reconstruction Committee in January, 1866, it was evident that Congress had nothing good in store for Virginia. It was felt that the old South with its traditions had gone, that the eastern part of the State would probably sink into the condition of Hayti, and that whatever might be saved from being "Negroized" would only be saved at the price of being "Yankeeized"—whatever that word connotated at the time.¹⁵

Emboldened by the increased strength of the Radicals in Congress, their followers were much encouraged to seek control of affairs in Virginia. On May 17, 1866, the "Unconditional Union Convention" met in Alexandria. It was the first state-wide political convention in the State since the war. Its chairman was John Minor Botts, a man of no mean ability, who had remained loyal to the Union during the war and had not thereby increased his popularity in his native State. A resolution was adopted by this convention, "That no reorganized State government of Virginia should be recognized by the government of the United States which does not exclude from suffrage and holding

¹⁵ In a letter to Dr. Moses D. Hoge of August 16, 1865, Dr. R. L. Dabney, one of the leading theologians of the period, writes from his home in the black belt of Virginia that "people do not enough allow for the poisonous effects of an oppressive government, which, with this blight so visible now in society, and church, and the killing and banishing of the most of our better spirits, I fear that the independence, the honor, the hospitality, the integrity, the everything which constituted Southern character has gone forever."

In a letter of March 13, 1866, Dr. R. L. Dabney wrote from his home in Prince Edward County, "It seems to me nearly every person of any standing or intelligence I meet with is inclined to emigration, and only needs an inviting outlet to determine him." Matthew Fontaine Maury, then in Belgium, was much interested in finding a suitable country as a home for those who should leave Virginia. General Jubal A. Early, who was never reconstructed, looked with especial favor upon New Zealand, because it was "far from Yankees and negroes."

Thomas Cary Johnson, *The Life and Letters of Robert Lewis Dabney*, pp. 304-307.

office, at least for a term of years, all persons who have voluntarily given moral or material support to rebellion against the United States, and which does not, with such disfranchisement, provide for the immediate enfranchisement of all Union men without distinction of color." It declared that since the Virginia legislature was made up largely of rebels, it was an illegal body and that its laws, therefore, should be considered illegal and void. The convention furthermore had circulated through the State a petition, addressed to the Senate and House of Representatives of the United States, asking that the Pierpont government be overthrown and that reconstruction of Virginia be made along those lines afterwards adopted by Congress and known as the Congressional plan of Reconstruction. This plan would require the appointment of a provisional governor. Therefore, "They [the signers of this petition] further request," continued the petition, "that the Hon. John C. Underwood, the faithful patriot and distinguished jurist, who has always adhered to the government with a fidelity which no flattery could seduce, no bribery corrupt, nor fears intimidate, be selected as said provisional Governor."¹⁶

John C. Underwood was a native of New York who had lived in Clarke county, Virginia, for a few years prior to the War of Secession and who had become so unpopular there on account of his radicalism that he soon found it more agreeable at the North. He was a man of little education or natural ability and was utterly unscrupulous. He returned to Virginia in the wake of the Federal armies and had already made himself obnoxious by advocating the disfranchisement of all but "loyal" whites, by his activity in confiscating the property of Virginians who had aided the Confederacy, and by urging the negroes to be active in politics.

Besides the adverse testimony before the Reconstruction Committee there was other material for Radical propaganda against Virginia in 1866. In the spring of that year, Judge Thomas, of Alexandria, rendered a decision adverse to the Civil Rights law when he held that the laws of Virginia forbade negroes to testify

¹⁶ *Appleton's Annual American Cyclopaedia*, 1866, "Virginia."

in cases where only whites were concerned, and that a Federal law could not prescribe qualifications for witnesses in a State. A more serious case was that of Dr. Watson, of Rockbridge county, who was brought to trial that fall for the murder of a negro and was acquitted. Whereupon he was ordered by General Schofield to appear before a military tribunal, but was pardoned by President Johnson before trial. Although such cases were exceptional, they were used with much effect in creating an unfavorable impression of conditions in Virginia at the North.

On September 2, a convention was called at Philadelphia to bring together the Republicans at the North and the Unionists at the South. The topic that was most discussed was unrestricted suffrage. Of the Virginia delegation, John Minor Botts opposed unrestricted suffrage, and James W. Hunnicutt, who was destined to become one of the leading Radicals of the State, advocated manhood suffrage, except to "rebels."¹⁷ During the last days of its session, the convention, by a small vote, declared itself in favor of manhood suffrage. As Mr. Eckenrode points out,¹⁸ it was not until after this convention that manhood suffrage was accepted by the Republican party.

When on December 2, of this unhappy year, the legislature met in its second session, Governor Pierpont wisely advised moderation in all laws regarding freedmen and Federal relations, and advised the ratification of the Fourteenth Amendment. But public sentiment in the State was very strong against the amendment and the legislature could not conscientiously ratify it while there was hope of its being defeated. Besides, Virginia considered it most illogical and unlawful to be treated as a conquered

¹⁷ Rev. James W. Hunnicutt was a native of South Carolina and had resided in Alexandria for a number of years as the editor of a religious paper. During the war he followed the line of least resistance and did not oppose the Confederacy. But during Reconstruction he became one of the most violent and dangerous of the Radical demagogues, and through a newspaper, the *New Nation*, which he published in Richmond during that period, he exerted a very great influence over his party.

¹⁸ Eckenrode, *Political History of Virginia during Reconstruction*, p. 49.

province and at the same time be forced to aid in ratifying an unwelcome amendment as one of the States of the Union. Consequently it rejected the amendment on January 9, 1867.¹⁹

On March 3, 1867, the legislature adjourned. But before it closed its doors, it requested the Governor to call an extra session at once to meet the emergency that would arise out of legislation pending in Congress. Governor Pierpont complied with the request and, in his message at the beginning of the new session, laid before the Assembly the Reconstruction Act of March 2 with the advice that a convention be called to make a constitution to meet the conditions therein imposed. The legislature realizing that the Radicals now had control of Congress, decided to act upon the Governor's advice. A bill providing for the calling of a constitutional convention was introduced in the Senate on March 9, and a committee was sent to Washington to learn the wishes of Congressional leaders in this matter. They returned with the assurance of these men that the proposed bill was satisfactory and that a convention called according to its provisions would be considered legal by them under the Reconstruction act of March 2.²⁰

The Richmond *Whig* had, at an early date, begun to urge the people of the State to accept the inevitable. Now the Richmond *Dispatch* urged the people to support the action of the Senate and "to come out and take part in the political measures of the day, and, gracefully submitting to necessity, thus save themselves and their State from the most dreadful fate that ever came upon a nation, namely, the giving up, through inaction, their government and their fates to the colored voters and the followers of Hunnicutt." There were many advocates of inaction in politics at first, but this changed as Reconstruction progressed.

The bill for calling a constitutional convention was passed by

¹⁹ General Schofield attributes the action of the Assembly in rejecting the Fourteenth Amendment to influence from Washington, perhaps to that of President Johnson. General Schofield advised its adoption in order that more radical legislation might be thereby avoided. General John M. Schofield, *Forty-Six Years in the Army*.

²⁰ The Richmond *Dispatch*, March 11, 1867.

a large majority in the Senate. But the act of Congress of March 23 made a vote on the bill of no use in the House. In the meanwhile, however, the Reconstruction Act of March 2 was being put into execution. Virginia now became Military District Number 1, and Lieutenant-General John M. Schofield, who had been in charge of the Federal troops of the Potomac Division, was put in command. He assumed control of the District on March 13, 1867. Reconstruction had come.

Virginia was most fortunate in having General Schofield at this time. He was conservative, wise and just; and it was due to his moral courage and good sense that Virginia was spared the reign of terror that existed in most of the Southern States during the Reconstruction period. His policy was to gain the confidence and support of the people of the State and to interfere as little as possible with the civil authorities.²¹

The Reconstruction Acts of March 2 and March 23 gave to the freedmen the right to vote for delegates to a constitutional convention to frame a constitution according to the wishes of Congress. The negroes had, however, already made their first attempt to vote on March 5, 1867, at Alexandria, where they had been influenced by the Northern settlers in their midst. The mayor of the town and the local judge asked the advice of the President of the United States and of the Attorney General as to the right of these people to participate in the municipal election. As no definite answers were given to the inquiry, negro votes were not counted in. In this election there were cast 1,400 negro votes (counted by a Radical agent), 1,000 white Conservative votes, and 72 white Radical votes.²² This action on the part of the election officials brought forth much harsh criticism in the North. Similar troubles elsewhere in Virginia were prevented by an order from General Schofield of April 2, which forbade any local election until after registration under the Recon-

²¹ John M. Schofield, *Forty-Six Years in the Army*, p. 399. Ch. xxi deals with Reconstruction in Virginia.

²² H. J. Eckenrode, *Political History of Virginia during Reconstruction*, p. 66.

struction Acts had been completed. In the meanwhile vacancies were filled by the Commanding General.²³

Immediately after the Reconstruction Act of Congress of March 23 was published, the Commanding General appointed a board of army officers to select suitable persons as registering officers throughout the State. In selecting these officers of registration, preference was given: first, to officers of the army and of the Freedmen's Bureau on duty in the State; second, to persons who had been honorably discharged from the army after having seen service; and third, to loyal citizens of the locality in which they were to serve. In fact, the greater part of them were chosen from the first class.

The outlook in Congress was becoming more and more discouraging to the Southern people. On March 19, 1867, Thaddeus Stevens introduced his bill for confiscating the property of "rebels." In a speech advocating this measure as a punishment of the people of the South he said, "The punishment of traitors has been wholly ignored by a treacherous Executive and by a sluggish Congress. I wish to make an issue before the American people, and see whether they will sanction the perfect impunity of a murderous belligerent . . . To this issue I desire to devote the small remnant of my life." It was in the hands of this man and his followers that the fate of the country seemed to rest in March, 1867. In view of such leadership in Congress and of such legislation as had already been enacted, it is not surprising that a feeling of uncertainty, gloom and dread should have settled down over the people of Virginia.²⁴

²³ *Annual Cyclopaedia*, 1867, p. 758.

²⁴ The description of the conditions that prevailed at the time in Virginia, given in the two extracts below from letters in the *Richmond Dispatch* of March 21, 1867, are typical of those found in many letters and other contemporaneous accounts.

The first letter, dated March 19, 1867, is from Halifax county. "The country," said the writer, "wears now a gloomy aspect, and the farmers are depressed. Before the war many farmers worked a large number of negroes. But it is now the rarest thing to find a half-dozen negroes working together. * * * Politically, the people want rest and peace. They have been in war and storm long enough. They feel they have no power of resistance, and hence de-

Prior to September, 1866, negro suffrage was not favorably considered except by a few extreme Radicals. But as the Republican party came under the control of the Radical element, which was destined to bring so much discredit upon the party not only at the South but at the North, negro suffrage was adopted by that party to bolster up its declining strength. The negro was most unfortunate in the time of his induction into politics, March 1867. And he was still more unfortunate in his sponsors on that occasion. It would be hard to imagine less desirable political teachers and leaders for the freedmen than such men as the carpetbagger Underwood and the scalawag Hunnicutt. Yet these men, whose radicalism was fast bringing them into prominence in 1865 and 1866, absolutely dominated the negro voters and, through them, Virginia politics in the campaign of 1867.

sire to heal the breach between the South and the Federal Government with the least possible delay. True, you sometimes meet with individuals who council entire inactivity; but these are the exceptions to the general rule. Submit to any requirements of the conquering party—for it is a necessity—is well nigh the unanimous voice of this region of the country."

The second is a private letter to the *Baltimore Sun*, which says that it was written by one of the most eminent citizens of Accomac county and adds that "there is much reason to believe it too true." "I regret," he said, "that there is nothing pleasant to communicate; general gloom and despondency hang over our entire section, and a fearful looking for what is to come. The prospect is less promising to me than at any previous period. We might nerve ourselves to meet the most stringent of political measures if there was a certainty of its being final. But it seems a disposition to accede to the demands of the dominant party leads to more oppressive demands.

"A want of confidence, a perfect stupor, and an indisposition to attempt anything, or to form any plans for the future, is the inevitable consequence of the position of matters. God only knows what is to become of us."

The above letter explains in part the amazing inactivity that existed in some sections of the South among the whites during the first part of Reconstruction.

See also T. C. Johnson, *Life and Letters of Robert Lewis Dabney*, pp. 301-303. Similar accounts are numerous.

CHAPTER III.

THE CAMPAIGN OF 1867—RADICALS AND NEGROES DRAW THE COLOR LINE.

Registration under the Reconstruction Acts took place in the summer of 1867. Those who had held any state or Federal office and afterwards supported the Confederacy were disqualified from holding office and from voting. The following were classed as state officials: "Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Second Auditor, Registrar of the Land Office, State Treasurer, Attorney-General, Sheriff, Sergeant of a city or town, Commissioner of the Revenue, County Surveyors, Constables, Overseers of the Poor, Commissioners of the Board of Public Works, Judges of the Supreme Court, Judge of the Court of Hustings, Justices of the County Courts, Mayor, Recorder, and Aldermen of a city or town corporation, Escheators, Inspectors of tobacco, flour, etc., Clerks of the Supreme Court, District, Circuit, and County Courts, and of the Court of Hustings, and Attorneys for the Commonwealth."¹ The Commanding General of the District estimated that 70,000 of the whites were disfranchised in this way. Although this estimate is "more ingenious than convincing," as Professor Dunning puts it, it is certain that thousands of the leading men—all who had had experience in administration—were disfranchised.

The number of registrants totaled 225,933, of which 120,101 were white and 105,832, or 47 per cent were colored. The colored voters formed a majority in only half of the counties. But since these were the most populous counties of the State, they were at an immense advantage when it came to representation. There were 90,555 registrants in the white section, the northern and western part of the State, and 125,895 in the black section to the south and east. By a strict apportionment on the basis

¹ Act of Congress of July 19 amending that of June 3.



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used, one representative to 2,061 constituents, there would have been 44 representatives from the white counties and 61 from the colored counties—in spite of the fact that in the State as a whole the majority of the whites was 14,269. The actual apportionment gave the districts under the white control 47 representatives to the convention, and those under colored control 58.²

When the colored population was enfranchised in the spring of 1867, the Republican party was already organized and in the field. There was no other party in Virginia. Furthermore, that party had two highly developed organizations to bring the negroes into line, the Freedmen's Bureau and the Union League. The Freedmen's Bureau was established in Virginia on June 15, 1865. The State was divided into eight districts, each under an assistant quartermaster. These in turn were divided into sub-districts under the command of military officers. This organization not only protected and cared for the freedmen but also impressed upon their minds the debt which they owed the Republican party. The political strength of this institution was great. But more powerful as a political factor was the Union League. It was organized in Virginia late in 1866. Its secrecy and the mysterious solemnity of its ritual made a strong emotional appeal to the colored people. They were taught in the ritual that their only friends were the Union Republicans, and that their chief enemies were their former masters who were not of the Republican party.³ They were also encouraged to assert their newly acquired rights in season and out of season.⁴

As soon as the People of Virginia had recovered from the stupefaction into which they had been thrown by the Reconstruction Acts, they began at once to attempt to win the colored vote from the control of the Radicals. But the futility of their efforts is plainly shown by the returns of the fall elections.

There was also a futile attempt made by the conservative col-

² Report of the Secretary of War; 40th Congress, second session, vol. ii, p. 294.

³ Walter L. Fleming, *Documentary History of Reconstruction*.

⁴ The numerous secret organizations among the Negroes that now exist throughout the State may have had their origin in part from the Union League.

ored leaders to win their people from the control of their unscrupulous leaders and to find some basis of compromise with the native white conservatives. The State owes much to the self control, wisdom and moderation of many such colored men who, though too much in the minority to accomplish much, did what they could to narrow the breach that was rapidly separating the two races. As early as April 15, 1867, a committee of colored men in Richmond invited several prominent white men to give their political views. The meeting was held at the theatre and was addressed by William H. McFarland, Marmaduke Johnson and Raleigh T. Daniel—who was introduced by the chairman of the colored committee, Solon Johnson.⁵ Three days later, a great mass meeting assembled in the Court House Square in Petersburg. It was called by a number of the most influential white citizens of the town and had as its presiding officer Robert Mellwaine. A correspondent of the *Richmond Dispatch* thus described the meeting: "The crowd was immense, and the whites and blacks mixed up indiscriminately, and the best disposition was manifested by all present." A series of resolutions was unanimously adopted advocating equal school advantages for the white and colored, and equal legal and political rights to both races. The negroes were invited to attend the political meetings of the whites and to participate in their deliberations.

Although the people of Virginia did not accept the Petersburg platform as their political creed, it was a long step forward in the compromise movement among the Conservatives of the two races. The *Richmond Dispatch* even went so far as to predict that these resolutions would probably be adopted as the platform of Conservatives throughout the State.⁶ They were adopted by several local Conservative conventions. In Charlottesville, on April 24, 1867, a meeting was called at the Delevan Hospital by a large number of colored men, who invited speakers of both races "to interchange political opinions." Speeches were made by William F. Gordon and Col. T. J. Randolph, who represented the whites, and by Fairfax Taylor and Rev. Nicholas Richmond,

⁵ The *Richmond Dispatch*, April 15, April 16, 1867.

⁶ The *Richmond Dispatch*, April 19 and 20, 1867.

who represented the blacks. Harmony prevailed at the meeting with the exception of the speech by Fairfax Taylor, who was reported as bitter and insulting to the whites. In conclusion Mr. Gordon read the Petersburg resolutions of April 18, to which all seemed to subscribe heartily.⁷ Influential negroes of Cape Charles, Amelia and other counties called similar meetings.⁸ This movement seems, however, to have had little success in winning over the rank and file of the negroes to the Conservatives.

In the meanwhile a new and much more important movement, the "co-operation" movement, was inaugurated. The purpose of this movement was to bring about co-operation between the Conservatives and the Republicans in such a way as to form a new Republican organization that would be less extreme than that led by Hunnicutt. It had the support of the moderate element of the Republican party both within and without the State, and was supported by many of the most influential Conservatives of Virginia. The resolutions adopted at a meeting in Albemarle county in behalf of co-operation show the aims of the co-operators. It was resolved, "That having consented in good faith to the reconstruction of the Southern States under the Sherman-Shellabarger Bill, we consider ourselves bound in honor to the unconditional maintenance of the Union of these States, and that we regard the welfare of Virginia and of the other Southern States as requiring that our people should co-operate with the party that will give us protection for life and property, and believing that the Republican party of the United States alone has the power to give us protection, we desire to co-operate with them."⁹ The respectability of the movement is shown by the names of those connected with it. Among those appointed on the committee of resolutions at the Albemarle meeting were Col. John J. Boccock, William T. Early, W. F. Gordon, W. H. Southall, J. R. Barksdale, Col. R. T. W. Duke, Dr. A. G. Dabney and Dr. W. C. N. Randolph.¹⁰ There were similar co-operation con-

⁷ The Richmond *Dispatch*, April 24, 1867.

⁸ The Richmond *Dispatch*, April 25, 1867.

⁹ The Richmond *Enquirer*, July 2, 1867.

¹⁰ The Richmond *Whig*, July 3, 1867.

ventions in a number of other counties of the State, and by the end of July, 1867, co-operation had gained considerable importance.¹¹

Throughout the whole campaign of 1867 the extreme radicalism of the Radical Republicans in Virginia gave much concern to moderate Republicans everywhere. The New York *Tribune* of April 12, 1867,¹² made this comment on the subject: "Far be it from us to advise a campaign of bitterness. We do not propose to influence the negro by exciting in his mind a hatred of his former masters. Nor should we advise any organization antagonistic to those masters. Agitators like Mr. Hunnicutt, of Virginia, may mean well, but their zeal is bitter and offensive. To organize a campaign on the Hunnicutt plan is to abandon any hope of a permanent Union party in the South. We cannot afford to array the white against the black, or the black against the white."

In April, Senator Wilson, of Massachusetts, came to Virginia in order to deliver his party from the Hunnicutt element, and to form a respectable Republican party around the old Union men and former Whigs.¹³ He did not succeed, however, in disturbing the Hunnicutt organization. In fact he was too conservative for the Radicals and too radical for the Conservatives. He also seemed to have had an exaggerated idea of the number of men in Virginia who had been true to the Union during the war, and was not as careful as he might have been in his utterances before and during his visit to the State. He had the support of John Minor Botts, who had attempted at an early date to organize a conservative Republican party in Virginia.

After registration had begun in March, 1867, the freedmen became more and more engrossed in politics. The Union League and the Radical agitators, of whom there were not a few from the North at this time, had the negroes completely under their control. According to General Allen, its Grand Deputy in Vir-

¹¹ H. J. Eckenrode, *Political History of Virginia during Reconstruction*, p. 75.

¹² Quoted in the *Richmond Dispatch*, April 15, 1867.

¹³ The *Richmond Dispatch*, April 22, 1867; The *Richmond Enquirer*, April 23, 1867.

ginia, the Union League was "a system of night school in which they (the negroes) were instructed in the privileges of citizenship and the duties they owed to the party which had made them free and given them exercise of suffrage."¹⁴ Largely as a result of this political excitement among the freedmen, labor became increasingly more unsatisfactory.¹⁵

On March 20, 1867, the Republican State Central Committee called a State convention to meet in the African Church in Richmond on April 17. About half of the counties (49) were represented. Of the two hundred and ten delegates present at this convention only fifty were white. The assembly was entirely under the control of Hunnicutt, who boasted in a bitter speech to the delegates that "The rebels have forfeited all their rights, and we will see that they never get them back."¹⁶ The negro delegates took an active part in the discussions and made some very inflammatory speeches. They even surpassed their white leaders in advocating extreme measures against the native whites. They advocated confiscation almost unanimously. On the second day of its session the convention resolved itself into a great mass-convention of negro and white Radicals in the Capitol Square. There was considerable disorder at both meetings of the convention. There were numerous calls for the confiscation of "rebel" lands, cheers for Thaddeus Stevens, condemnations of President Johnson and of the "rebel aristocracy," and disputes between the delegates. A few of the cooler heads among the freedmen counseled moderation. Fields Cook, of Richmond, reminded his people that the whites still had a majority in the State and that harmony would be wisest. Several other colored speakers gave the same advice, but none of them were heeded by the crowd of excited negroes. Similar local Radical conventions were held in the State at a number of places,¹⁷ with the same disquieting results.

¹⁴ H. J. Eckenrode, *Political History of Virginia during Reconstruction*, p. 61.

¹⁵ The Richmond *Enquirer*, April 18, 1863; Richmond *Dispatch*, July 8, 1867.

¹⁶ The Richmond *Dispatch*, April 18, 1867.

¹⁷ *Appleton's Annual Cyclopaedia*, 1867, p. 759.

The effect of all this radical propaganda upon the ignorant freedmen is clearly seen in the riots and general restlessness among them during the spring and summer of 1867, especially in the latter part of April and during May.

Near the end of April, four negroes insisted upon their right to ride upon a street car in Richmond and were taken off by the police.¹⁸ A riot was narrowly averted. The city recorder ruled that the car company could make such regulations as it chose concerning those who should ride on its cars. But the president of the company decided to remove the restrictions from the colored people.

On Tuesday, May 6, 1867, the United States Circuit Court convened in Richmond. Judge John C. Underwood presided. It was an interesting event and well calculated to produce uneasiness among the white people of the State. In the first place the Judge, Underwood, was one of the most bitter and unscrupulous carpetbaggers in Virginia politics. And in the second place negroes served on jury for the first time in the history of the State.¹⁹ This event was unfortunate, especially at this time, as it produced in the minds of the untutored freedmen an exaggerated estimate of their own importance in political affairs, and increased the friction already existing between the races at this time. Nor was Judge Underwood's fiery charge to the grand jury of such a nature as to promote harmony between the different elements in the State.²⁰

¹⁸ The *Richmond Dispatch*, April 25, 1867.

¹⁹ There were six colored grand jurors, George Seaton, Cornelius Liggon Harris, George Simms, Fields Cook, John Oliver and Dulaney Beckley. The *Richmond Dispatch*, May 7, 1867; the *Richmond Enquirer*, May 7, 1867.

²⁰ This charge was in part as follows: "Gentlemen of the Grand Jury,—The circumstances surrounding us demand devout thanksgiving to Almighty God that we, the friends and representatives of the Government of the United States, who last year were threatened with destruction and hunted by assassins in this city for attempting to execute the laws of our country, can now meet in conscious security under the wings of the starry banner which our patriotic Congress has raised for our protection; and we are permitted to

On Friday, May 10, fourteen white and twelve colored men were summoned as petty jurors of the Circuit Court.²¹ It was before a mixed jury chosen from among these men that the no-

meet in this building of everlasting granite, so emblematic of the power and strength of our Government, standing alone and unharmed amid the general conflagration that swept as with a besom of destruction all around it.

"And what solemn associations are suggested by reflecting that in the very rooms we now occupy dwelt the fiery soul of treason, rebellion and civil war, and hence issued that fell spirit which starved, by wholesale, prisoners for the crime of defending the flag of our common country, assassinated colored soldiers for their noble and trusting labors in behalf of a Government that had as yet only promised them protection, burned towns and cities with a barbarity unknown to Christian countries, scattered yellow fever and small pox among the poor and helpless, and finally, struck down one of earth's noblest martyrs to freedom and humanity.

"Another subject of thanksgiving is presented in the very constitution of your body, furnishing ocular evidence that the age of caste and class cruelty is departed, and a new era of justice and equality, breaking through the clouds of persecution and prejudice, is now dawning over us. And strangest of all, that this city of Richmond should be the spot of earth to furnish this gracious manifestation. Richmond, the beautiful and abandoned seat of the rebellion, looking as comely and specious as a goodly apple on a gilded sepulchre, where bloody treason flourished its whips of scorpions; Richmond, where the slave trade so long held high carnival; where the press has found the lowest depth of profligacy; where licentiousness has ruled until probably a majority of births were illegitimate, or without the forms of law; * * * But we are reminded that 'where sin aboundeth grace may much more abound.' And in the light of recent changes, may we not hope a material and moral future for this city of Richmond in strong contrast with its awful and atheistic past, and in harmony with the salubrity of its climate, the poetic beauty of its scenery and the magnitude of its water power. * * * I am truly gratified to find so many gentlemen of public and private worth upon the present jury." The *Richmond Dispatch*, May 7, 1867; the *Richmond Enquirer*, May 7, 1867.

²¹ The colored men summoned were as follows: Joseph Cox, J. B. Miller, Edward Fox, Lewis Lindsay, Albert Brooks, Andrew Lilley, Lewis Carter, Landrum Boyd, Fred Smith, Dr. Walter Snead, John Freeman and Thomas Lucas.

torious Judge Underwood summoned Jefferson Davis to appear, after his two years' confinement at Fortress Monroe.²²

On the same day that Judge Underwood summoned his men for the petty jury, a mob of negroes attacked several policemen and rescued one of their number who had been taken into custody for disorderly conduct. Several policemen were badly injured and a number of others were in danger from a shower of stones thrown at them by the mob. The spirit of the mob was shown by a remark of one of its number who said, "We got Judge Underwood here now; we gwine to do what we please. He'll protect us." They were having the difficulty of newly emancipated peoples in not being able to distinguish between liberty and license. Having been freed from one kind of restraint, they were loth to recognize any restraint. After the mob had refused to obey the Mayor's order to disperse, General Schofield appeared and requested them to go to their homes. When they refused to go, he had a regiment of soldiers disperse the mob.

On the next day, May 11, a negro mob attempted to take from the police a negro who had been arrested for being drunk and disorderly. The officers were stoned and fired upon. Federal troops were again called out to rescue the police, and order was finally secured by General Schofield by stationing soldiers throughout the city.

It is not without its significance that on the day of the last attack on the police one Zedekiah K. Hayward, a prominent agitator from New England,²³ was arrested, with the approbation of General Schofield, charged with inciting the negroes to "acts of violence, insurrection and war."²⁴ After having urged the freedmen to assert their rights of equality in all things and

²² The *Richmond Dispatch*, May 13, 1867.

²³ Hayward was a native of New Hampshire. After leaving Dartmouth College in disgrace, he went to live in Massachusetts. He afterwards left Massachusetts and after wandering about for a time turned up in Richmond as a philanthropist. The *Washington National Intelligencer*, cited in the *Richmond Dispatch*, May 20, 1867.

²⁴ The *Richmond Dispatch*, May 13, 1867; the *Richmond Enquirer*, of the same date.

to "have high carnival" as soon as their white allies had left the State, he added, "It is useless for me to advise you what to do, for great masses generally do what they have a mind to."²⁵

Throughout the summer months of 1867 the political excitement in Virginia increased. Botts, Pierpont and other conservative Republicans refused to recognize the authority of the Republican convention of April 17, on the ground that it was not representative of the party of the State. A call was therefore made for a new convention to meet on July 4, 1867, in Charlottesville to organize the Republican party of the State.²⁶ This call was signed by over three hundred men, many of whom were native Virginians of prominence, for the most part former Whigs. The movement was entirely independent of the Hunnicutt faction and therefore threatened to disrupt the Republican party in Virginia.

At this juncture the Republican leaders in Congress called upon the Union League clubs in several of the Northern cities to bring about harmony between the two factions of the party in Virginia. As a result, the leaders of both factions met with the mediators from the North in the Governor's home in Richmond on June 16, 1867.²⁷ The Hunnicutt faction made it plain that it would not participate in the Charlottesville convention. As a compromise it was decided to have another convention at Richmond. It was to meet on August 1, and a party platform was to be made to take the place of that of April 17. Since Richmond

²⁵ To add to the general confusion all the negro coopers of Richmond struck for higher wages during this week.

Gerritt Smith and Horace Greely, who were visiting Richmond at this time, made speeches to the negroes urging them to desist from idleness and drunkenness. The *Richmond Dispatch*, May 14, 1867, *Ibid.*, May 16, 1867. For an account of the riots mentioned above see the *Richmond Dispatch* and the *Richmond Enquirer* of May 11, 13, 14, 15, 16.

²⁶ The *Richmond Enquirer*, May 21, 1867.

²⁷ Among those present were, Governor Pierpont, John M. Botts, Judge Underwood, J. W. Hunnicutt, John Hawxburst, L. H. Chandler, Senator Wilson, of Massachusetts, John Jay, of New York and other prominent politicians. H. J. Eckenrode, *Political History of Virginia during Reconstruction*, p. 73.

had succeeded Alexandria as the Radical center of the State, Hunnicutt had won a decided victory over the more conservative faction of the party. With the freedmen to back him it would be easy to control a convention in Richmond.

The co-operation movement rapidly gained strength during July and August. The co-operators accepted negro suffrage but hoped to gain the leadership over them and thus avoid the dangers of Radical Reconstruction. But the white and colored Radicals in speeches throughout the State were advocating extreme social and political equality. Some went even further. One of the most prominent negro Radicals of Virginia, Lewis Lindsay, in a bitter speech at Charlottesville in July, 1867, stated that the negroes intended to elect a part of the legislature, the members of Congress and the Governor of the State; and that appointments should always be equally made between the two races.²⁸ The freedmen had become more radical than their white teachers. The possibility of the more conservative faction of the Republican party gaining their support no longer existed, if it ever did exist. Co-operation was doomed.

On the day before the meeting of the Republican convention of August 1, 1867, the conservative faction of the delegates met and approved of a platform, presented by John Minor Botts, which condemned secession as a crime, advocated the enfranchisement of all Confederates but their leaders and the punishment of the latter.

The Republican convention met on August 1, 1867, at the African Church in Richmond. It was a great event for the freedmen of the city. By ten o'clock they had left the tobacco factories and the streets, and were crowded around the church. At eleven o'clock the doors were opened and the negroes crowded in. Many county delegates, both white and colored, were excluded from the building. The only whites that were admitted were the fifty Radical delegates who had attended the April convention. The convention was called to assemble at twelve o'clock. In the meanwhile Hunnicutt harangued the crowd. He expressed his disapproval of the conservative Republicans and co-operators in

²⁸ *Charlottesville Chronicle*, July 2, 1867.

no uncertain terms, and warned his followers against the "rebels" who were "seeking admission into the council of the Republican party." "Now," he said, "we tell the strangers that if they want to come with us they will have to swallow a bitter pill. They must swallow the Constitutional Amendment, the Civil Rights Bill, the Sherman-Shellabarger-Wilson Bill, the Supplementary Bills, every Reconstruction Act, the Iron-clad Oath, the 17th of April platform, Wardwell, Hunnicutt, and the nigger; yes, the nigger—his head, his feet, his hide, his hair, his tallow, his bones, and his suet! Nay, his body and soul! Yes, all these they must swallow, and then, perhaps, they can be called Republicans."²⁹ The main duty of the convention, he said, was to endorse the platform of the April convention. This was promptly done.

Those who could find no place in the African Church assembled in "mass convention" in the Capitol Square. John Hawxhurst, a Radical, was made chairman. A motion to invite John Minor Botts to address the convention was voted down almost unanimously. The conservative Republicans were again ignored and the April platform was adopted.³⁰

At eight o'clock that night there was a meeting in the hall of the House of Delegates of members of the convention and others who were dissatisfied with the action of the double "mass convention" of the African Church and the Capitol Square. Fields Cook, a colored politician with conservative leanings, was in the chair. They decided not to form an independent organization but to do their best to promote harmony in the Republican ranks. Hunnicutt and his followers held a meeting at the same time in Republican Hall.³¹

On its second and last day the convention met in the west end of Capitol Square. Much radical talk was indulged in, and Hunnicutt in a characteristic speech advocated the disfranchisement of all "rebels." The meetings of the convention were very

²⁹ The *Richmond Dispatch*, August 2, 1867; also *Richmond Enquirer* of the same date.

This is a type of Hunnicutt's speeches and of the Radical speeches of that time.

³⁰ The *Richmond Dispatch*, August 2, 1867.

³¹ The *Richmond Dispatch*, August 2, 1867.

disorderly on both days. As a rule the Radical conventions, which were chiefly made up of freedmen, were disorderly. The freedmen and their leaders had not acquitted themselves well in the eyes of the country, and had done the cause of universal suffrage no good. Furthermore the Republican conventions of April 17 and of August 1 increased the freedmen's love for the outward forms of politics, gave them a high opinion of their own importance in political affairs, made them more independent of their former leaders and made them more extreme in their radicalism. In some places they now refused to admit whites to the Union League and even formed armed organizations.³²

The tumultuous convention of August 1, 1867 marks the turning point in the political history of the negro in Virginia. Although the attempt to bring the colored vote under the influence of the conservative whites through fair means was not abandoned until several years later, the color line became henceforth sharply drawn in politics with the negroes supporting the least reputable factions, in the respective campaigns. The reputable whites who wished to co-operate with them were ignored and insulted. Negro suffrage had come to mean carpetbagism and radicalism. That negro suffrage had come to stay was accepted by all. The whites were anxious to compromise in such a way as not to draw the color line. Had the negroes been content with the suffrage and conservative white leadership, instead of allying themselves with carpetbaggers and scalawags, advocating confiscation and disfranchisement for the whites, and seeking office before they were fitted for responsibilities of that kind, much bitterness and disillusionment in politics might have been spared them. But under the circumstances it was natural that they should have acted as they did. They had just been freed from slavery and were eager to enter into all the privileges of their new estate. Politics, with its excitement, its conventions and speech-making, was very fascinating to these

³² W. L. Fleming, *Documentary History of Reconstruction*, No. 3, p. 4; *Richmond Enquirer*, September 6, 1867; H. J. Eckenrode, *Political History of Virginia during Reconstruction*, p. 79.

childlike people. The franchise was given them as a kind of panacea for all their troubles. High hopes and ambitions impossible of attainment were held out to them by more or less unscrupulous demagogues. Furthermore, the Radical leaders represented the party that had been most instrumental in freeing them from slavery at the cost of much blood and treasure, and who were then in complete control of the Federal government. Then there were the Freedmen's Bureau and the Union League.

During August, September, and October, nominations were made throughout the State for delegates to the constitutional convention which would meet in December, if the act calling it were not defeated at the polls. Political excitement continued. Many freedmen abandoned themselves to the attendance upon political meetings, and labor was harder than ever to obtain. The Conservatives had no organized party in the State and not a few were apathetic towards politics. Many of their most influential men had been disfranchised by the "test oath" requirement of the act of Congress of July 9, 1867. The Radicals, on the other hand, were well organized and aggressive.³³ Of the Radicals nominated for the convention, about a third were negroes. Most of the conservative Republican candidates were defeated. In Richmond, for example, the names of Governor Pierpont, Franklin Stearnes and other prominent Republicans who did not follow Hunnicutt were not considered, and the great Republican mass-convention nominated instead the white Radicals, James Morrissey (from Ireland), Judge Underwood (from New York), and James W. Hunnicutt (from South Carolina), and the colored Radicals, James Cox and Lewis Lindsay.³⁴ When the conservative Republicans attempted to hold

³³ The words "Republican" and "Radical" were used synonymously during this period. The Radical party in the State was made up of most of the negroes, Northern adventurers (the carpetbaggers) and a few native whites (the scalawags). The Conservatives did not really form a party in the strict sense of the word until later. They were the great mass of white people and a few conservative negroes.

³⁴ The Richmond *Enquirer*, October 15, 1867.

a meeting to consider the nomination of a special ticket, a mob of freedmen prevented them. The conservative Republicans were too few to have any influence in the campaign.

The election to decide whether there should be a constitutional convention and to elect delegates to the convention (should there be one) took place during October 18 to 21, 1867. General Schofield and his subordinate officers tried conscientiously, it seems, to have fair elections. However, the Commanding General was justly criticized for reopening the polls another day in some of the black wards in Richmond in order to give the freedmen a longer time in which to vote. This resulted in changing the outcome of the election in one precinct.³⁵

The returns of the election of 1867 are very interesting in showing the thoroughness of the organization of the negroes under Radical leaders, and the unmistakable race line between Radicals and Conservatives. Of the 120,101 white registrants, 44,017 did not vote. Of the 105,832 colored registrants, only 12,687 did not vote. Only 14, 835 of the 76,084 white registrants that voted were for a constitutional convention; and out of 92,507 blacks that voted, all but 638 were for a convention.³⁶ The large negro vote polled indicates the efficiency of the Radical machinery. The colored voters were not only marshalled to the polls but were also instructed how to vote. Their leaders and secret societies saw to it that those who desired to vote for Conservative delegates were prevented by threats, ostracism or

³⁵ *Documents of the Constitutional Convention of Virginia, 1867-1868.*

³⁶ Hundreds of the best white men of the State voted for the convention. The *Richmond Dispatch* was of the opinion that until two weeks before the election a majority of the whites in the State intended to vote for a convention. A number of the most conservative and representative papers in the State had expressed themselves in favor of calling a convention. Among these were, the *Lynchburg News*, the *Norfolk Journal and Daybook*, the *Richmond Whig*, the *Richmond Dispatch* and several papers of the Southwest. See the *Richmond Dispatch*, October 30, 1867. For the returns of the election, see *Documents of the Constitutional Convention of Virginia, 1867*, Document No. 5, pp. 51, 53 (the number of registrants by race and county is also shown in this document).

open violence.³⁷ While there was a very decided color line in the vote on calling the convention—especially on the side of the blacks—there was an almost absolute color line between Conservatives and Radicals in the choice of delegates. The northern and western counties, those having a minority of negroes, elected native white Conservatives; and the more populous central and eastern counties, where negroes were in the majority, elected white and colored Radicals. A contest was now in progress between the white race and the black race. In Richmond, now the headquarters of the white Radicals, there were registered 5,382 whites and 6,284 blacks. The vote on the candidates for the convention was as follows:³⁸

FOR CONSERVATIVE CANDIDATES.

	White vote	Colored vote
Johnson	4,772	25
Sturdivant	4,767	21
Taylor	4,785	26
Evans	4,760	21
Sands	4,788	23

FOR RADICAL CANDIDATES.

	White vote	Colored vote
Hunnicuttt	48	5,168
Underwood	48	5,169
Morrissey	48	5,169
Lindsay (colored)	48	5,169
Cox (colored)	48	5,169

Edgar Allen, one of the most prominent Radicals, was elected from Prince Edward county entirely by negroes, with the ex-

³⁷ *Documents of the Constitutional Convention of Virginia, 1867*, Document No. 1, pp. 22-23; the *Richmond Dispatch*, December 12, 1867.

³⁸ The *Richmond Dispatch*, October 30, 1867.

ception of one white vote.³⁹ These are but fair examples of what took place throughout the black belt.

Of the 105 delegates elected to the convention, 35 were Conservatives, 65 were Radicals, and the remaining 5 were doubtful. This overwhelming victory of the Radicals greatly increased their confidence and dismayed the whites. Bitterness increased. Finally the Radical leader, Hunnicutt, was arrested by the civil authorities in November on the charge of attempting to stir up insurrection among the negroes by an incendiary speech that he had delivered during the fall campaign.⁴⁰ He was released, however, on bail by the military authorities until after the adjournment of the constitutional convention. Although the Conservatives had laid the blame of the attitude of the negroes in politics upon such white Radical leaders as Hunnicutt, they now began to attribute to the negroes a fair share of the blame for the unhappy situation. Race relations became more unsatisfactory.

As a result of the campaign of 1867 the Conservative party was formed. Prior to December, 1867, the Republican, or Radical party was the only organized political party in the State since the War of Secession. It was not until the white people of Virginia had seen the negroes marshalled in a body against them by their Radical leaders that they determined to organize a Conservative, or white man's party to protect themselves against the rule of demagogues and their horde of ignorant followers.⁴¹ The leaders of the old Democratic and Whig parties of former days issued a call for a State convention of men of conservative views to meet in Richmond on December 11, 1867. There were eight hundred delegates present at this convention,

³⁹ Speech by Edgar Allen quoted in *Richmond Whig*, April 21, 1868.

⁴⁰ He had said, "You colored people have no property. The white race has houses and lands. Some of you are old and feeble and cannot carry the musket, but you can apply the torch to the dwellings of your enemies. There are none too young—the boy of ten and the girl of twelve can apply the torch." *Appleton's Annual Cyclopaedia*, 1867, p. 763.

⁴¹ The *Richmond Dispatch*, December 12, 1867.

representing all parts of the State. The convention also represented the finest type of Virginia citizens. Among those present were, Alexander H. H. Stuart, president of the convention, R. M. T. Hunter, J. R. Branch, William Kemper, Marmaduke Johnson and Raleigh T. Daniel.⁴²

In his inaugural address Mr. Stuart expressed the views and aims of those present, in fact of the white people of Virginia, when he said, "At the close of the war, we were assured that upon the repeal of the ordinance of secession, the repudiation of the Confederate debt and the emancipation of the slaves, we would be restored to our rights in the Union; but instead of these promises being fulfilled, a policy has been inaugurated placing the Southern States under the control of our inferior race. We have met to appeal to the North not to permit the infliction of this disgrace upon us. Our rights may be wrested from us, but we will never submit to the rule of an alien and inferior race. We prefer the rule of the bayonet. . . We desire further to perfect our organization so that all who desire that this shall continue to be a white man's government may be able to act in concert and by a vigorous and united effort save ourselves from ruin and disgrace."⁴³

This address contained the main features of the set of resolutions adopted by the convention. It was resolved: (1) That slavery had been abolished, and that it was "not the purpose or desire of the people of Virginia to reduce or subject again to slavery the people emancipated;" (2) that the State should be restored to Federal relations with the United States government and that the people of Virginia would not violate or impair her obligations to the Federal Government but would "perform them in good faith;" (3) that the people of the State were entitled to all the rights and privileges guaranteed to them by the constitution of the United States; (4) that "to subject the white people of these States to the absolute su-

⁴² The *Richmond Enquirer*, and the *Richmond Whig*, December 12, 1867; the *Richmond Dispatch*, December 12, and 13, 1867 (list of delegates in *Dispatch*, December 12).

⁴³ The *Richmond Enquirer*, December 12, 1867.

premacv, in their local governments and in their representation in the Senate and the House of Representatives, of the black race just emerged from personal servitude—is abhorrent to the civilization of mankind, and involves us and the people of the Northern States in the consequences of surrendering one-third of the Senate and one-quarter of the House of Representatives, which are to legislate over us, to the domination of an organized class of emancipated slaves, who are without any of the training, habits, or traditions of self-government;" (5) that "this convention, for the people of Virginia, doth declare that they disclaim all hostility to the black population; that they sincerely desire to see them advance in intelligence and material prosperity, and are willing to extend to them a liberal and generous protection. But that while, in the opinion of this convention, any constitution of Virginia ought to make all men equal before the law, and should protect the liberty and property of all, yet this convention doth distinctly declare that the governments of the States and of the Union were formed by white men to be subject to their control; and that suffrage should be so regulated by the States as to continue the Federal and State systems under the control and direction of the white race:" and (6) that the people of Virginia would co-operate with all men regardless of party in restoring the constitutional union of the States and the continuance of the government under the control of the white race.⁴⁴

It is obvious from these resolutions and from the party organization effected at this time that lines of party and of race had become definitely fixed for the first time by the whites of Virginia since the war, and that a new and aggressive white man's party, the Conservative party, was ready to oppose the Radical (Republican), or black man's party. Attempts to compromise, for the time at least, were at an end.

After the passage of the Reconstruction Acts in March 1867, the white people of the State accepted negro suffrage as inevitable, whatever they may have thought of its wisdom at that time. They were anxious for peace and would have accepted the new

⁴⁴ Current newspapers; *Annual Cyclopaedia*, 1867, p. 763.

conditions of defeat without opposition had the Radicals in Congress and in the State not continued to persecute them. The State was placed under military rule; its leading men, all those who had had any experience in administration, were disfranchised and disqualified from holding office; its people were threatened with new punishments and humiliations; and to the uncertainty and dread caused by the action of Congress was added the agitation among the negroes by unscrupulous outsiders. In spite of these discouragements the whites attempted to win the confidence and leadership of the negroes and to co-operate with the best element in the Republican party in bringing the State back into the Union upon a firm, conservative basis. But the Republican party, which was for the most part radical in Virginia, was the victorious party in the Union which held the reins of government. By means of the Freedmen's Bureau and the Union League it gained complete control over the freedmen from the beginning, and increased its hold upon them by vague promises of land and of office. The Radical program consisted not only of extending all civil and political rights to all freedmen, but also of excluding all but a few whites (Radicals) from the franchise and from office. The purpose of the Radicals was made clear in the speeches of their leaders, Hunnicutt, Underwood and others, and in the conduct of these men in the Republican conventions of April 17 and August 1, 1867. Compromise and co-operation were no longer possible. Carpetbaggers, scalawags and negroes had drawn the color line in politics. The whites now organized the Conservative party to meet the new situation.

CHAPTER IV.

THE CONSTITUTIONAL CONVENTION OF 1867-1868.

In accordance with the order of the Commanding General of the District the convention assembled in the hall of the House of Delegates of the capitol on December 3, 1867. The election of October resulted in the choice of the most heterogeneous and remarkable assortment of lawmakers that ever assembled in the Commonwealth. There were native Virginians, white and colored, and men from beyond her borders; there was a delegate, a Northerner, who had commanded a company of negro troops in the Federal army against the people of the State; there was a deserter from the Confederate army; there were adventurers; there were ex-slaves; there were educated men, and ignorant men who could speak the English language only in dialect. A contemporaneous account of the personnel of the convention, given in the *Richmond Dispatch* of April 20, 1868, is as follows:

"The Convention consisted of one hundred and five members, of whom some thirty-five were Conservatives, some sixty-five were Radicals, and the remainder doubtful. The Radicals were composed of twenty-five negroes, fourteen native-born white Virginians, thirteen New Yorkers, one Pennsylvanian, one member from Ohio, one from Maine, one from Vermont, one from Connecticut, one from South Carolina, one from Maryland, one from the District of Columbia, two from England, one from Ireland, one from Scotland, one from Nova Scotia, and one from Canada. Of the fourteen white Virginians belonging to this party, some had voted for secession, others had been in the Confederate service, others were old men whose sons had been in the Confederate army; hardly one had a Union record. A large proportion of the Northerners and foreigners had drifted here in some non-combatant capacity."¹

¹ For the names of the carpetbagger delegates see the *Richmond Enquirer*, April 11, 1868. The following negro delegates were elected to the convention:

William H. Andrews, Isle of Wight, Surry; James D. Barrett, Fluvanna; Dr. Thomas Bayne, Norfolk city; James W. D. Bland,

The officers of the convention were equally as miscellaneous a group. The convention had as its chairman John C. Underwood of New York, and has been known in history, therefore, as the "Underwood Convention," and the constitution that it made, as the "Underwood Constitution;" its secretary and sergeant-at-arms were from Maryland; the stenographer, an Irishman, was lately from Maryland; the assistant clerk was from New Jersey; the chaplain was from Illinois; the two doorkeepers were negroes; the boy pages, with one exception, were negroes or sons of Northern men or foreigners; and the clerks of the twenty standing committees, with two or three exceptions, were Northern men or negroes.²

The most prominent of the white Radicals were John C. Underwood, Judge Edward Snead, John Hawxhurst, Edgar Allen, Charles H. Porter and David B. White. The leading negro Radicals were Thomas Bayne, Lewis Lindsay and William A. Hodges. Several negro delegates took active part in most of the debates. Dr. Bayne of Norfolk was particularly garrulous.

The Conservatives were led by John L. Marye, Jr., and Eus-

Prince Edward; William Breedlove, Middlesex, Essex; John Brown, Southampton; David Canada, Halifax; James B. Carter, Chesterfield, Powhatan; Joseph Cox, Richmond city; William A. Hodges, Princess Anne; Joseph R. Holmes, Charlotte, Halifax; Peter K. Jones, Greenville, Sussex; Samuel F. Kelso, Campbell; Lewis Lindsay, Richmond city; Peter G. Morgan, Petersburg city; William S. Moseley, Goochland; Frank Moss, Buckingham; Edward Nelson, Charlotte; Daniel M. Norton, James City, York; John Robinson, Cumberland; James T. S. Taylor, Albemarle; George Teamoh, Norfolk (county), Portsmouth city; Burwell Toler, Hanover, Henrico; John Watson, Mecklenburg; F. W. Poor, Orange.

Thomas Bayne, a dentist, was a runaway slave from the South who had been a resident of Boston for a number of years; Hodges was born in Virginia, but had been living in New York; Poor was from New York. In many cases a county had both white and colored delegates.

Of the thirty-five white Conservatives, one refused to serve, one was excluded from the convention by the Radicals, and one was expelled by them.

² The Richmond *Dispatch*, April 20, 1868.

tace Gibson. Most of them were new men in the political affairs of the State. There was no lack of ability among them, however. Although hopelessly in the minority, they served as a check upon the majority, and they were ready to investigate and to expose any false or dishonest move on the part of the Radicals. Whenever there was a division among the Radicals on account of the extreme measures of the negroes and their white allies, they were enabled to aid the less extreme faction in defeating much obnoxious legislation. Their superior education and mental ability gave them an advantage in debate over their opponents far in excess of their numerical strength.

The first few weeks were occupied in organization and in general political discussions, for the most part outside of the province of the convention. For instance much time was spent in discussing the Reconstruction policy of Congress. There was a long debate over resolutions introduced in the convention expressing approval of the action of Congress in impeaching President Johnson. There were other debates equally futile.

It was not until January that the committees began to make their reports and work on the constitution began. When the first section of the preamble was brought up for discussion on January 6, 1868, James W. D. Bland (colored) moved that in place of the word "men" in the clause, "That all men are by nature equally free and independent," as reported from the committee, be substituted the words "mankind, irrespective of race or color." The motion was defeated through the influence of Thomas Bayne (also colored) who had pledged himself to his constituents that he would "endeavor to aid in making a constitution that should not have the word black or the word white in it."³ But when the debates over mixed schools were in progress, Bayne proposed an amendment to the committee's plan so as to place whites and blacks in the same schools. The amendment failed to get the support of enough Radicals to be adopted, in spite of the efforts on the part of the negro delegates, and the threats of Bayne, Lindsay, Hodges and others that if it were

³ *Debates of the Constitutional Convention of Virginia, 1867*, p, 251.

not supported by the white Radicals the negroes would withdraw from the Republican party.⁴

The question that overshadowed all others in the debates of the convention was that of suffrage. It was the subject of debate throughout the session. The first long debate on the subject was occasioned by the consideration of that section of the bill of rights which affirmed, "That all elections ought to be free; and that all men, bearing sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage." John Hawxhurst moved that this be amended by the substitution, "That all elections ought to be free; and that all men (not disqualified by crime, insanity or idiocy) have the inherent right of suffrage."⁵ The doctrine of the inherent right to vote and to enjoy other political privileges was warmly upheld by the negroes and some of the white Radicals, but it was re-

⁴ The negroes threatened more than once to desert their white allies. On one of these occasions, Bayne, who had made the threat, was answered by one of the leading white Radicals in part as follows:

"He [Bayne] makes no recognition of any white men, but wants a party, so far as his remarks can be understood, to be composed entirely of colored men, in order, as I suppose, as he thinks, that he might be the leader and head of them. I do not say that he would, but he might. It is for us to show that there shall be no division between these two classes of the Republican party. It must be clearly known that loyalty must be the only distinction; and I say here frankly, that the white loyal men of Virginia cannot get along twenty-four hours without the colored men of Virginia; and, I say, on the other hand, that the colored men of Virginia cannot get along without the white loyal men of Virginia, and I ask if there is any one who has the hardihood to deny it. We are all in the same boat together. * * *

"And so shall the colored people and the loyal white men of Virginia say, in one chorus, 'Sink or swim, live or die, survive or perish, we are together, one and indivisible and inseparable, for the procuring and perpetuation of civil and political rights to all men, of whatever shade or color of skin.'" *Debates*, p. 545.

⁵ *Documents of the Constitutional Convention of Virginia, 1867*, No. XV, pp. 107-109.

puddiated by the Conservatives and moderate Radicals. Hawxhurst's motion was defeated by a vote of 47 to 82.⁶

On January 14, General B. F. Butler of Massachusetts spoke before the convention, upon the invitation of the Radicals. After explaining to the convention, in the most paternal fashion, just how a constitution should be made, he advised the enfranchisement of all freedmen and the disfranchisement not only of those Confederates who had held civil or military positions but also of those who had been prominent in business affairs before and during the war, such as directors of corporations, presidents of banks, etc. He advocated an educational test for the franchise like that which existed in Massachusetts, not that those who could qualify in this manner would be more capable of using rightly the ballot, but that such a test would encourage the young men of the State to learn to read and write. But he hastened to add that he did not think that it would be wise to apply such a test at that time or for a number of years. "I would not apply it to a man who has the right to vote at the present time, to save my right hand," he said.⁷

Two days later, Judge Underwood, in one of his characteristic speeches which was very insulting to the Conservatives, moved that all negroes and women be admitted to the suffrage. His followers did not approve of woman suffrage, however, and the motion was defeated. In the course of the debate John L. Marye said that the Radicals, instead of teaching the colored people lessons of thrift, honesty and dignity, were encouraging them to entertain vain hopes in politics and were deluding them into thinking that they could "live without labor and thrive without effort."⁸

Finally provision was made for enfranchising all negroes and the attention of the Radicals was centered on the various measures introduced for disfranchising the whites, who had been

⁶ *Journal of the Convention*, p. 102.

⁷ *Debates of the Convention*, p. 435.

⁸ *Debates*, p. 458; the *Richmond Dispatch*, January 17, 1868; the *Richmond Enquirer*, January 17, 1868.

guilty of "complicity with rebellion."⁹ As the session drew to a close the Radicals grew more insistent upon the disfranchisement of the whites of the State, and the debates became, accordingly, more stormy. The majority report of the Committee on the Elective Franchise and Qualifications for Office¹⁰ was the chief subject of debate during March and April. The article, as reported by the committee and afterwards adopted by the convention, disqualified from holding office and from jury service practically every white man in the State, and disfranchised several thousand of the most capable white men. The article was so amended in the convention as to carry the disfranchisement even further than the committee had recommended. At the same time negroes were given the right to vote without qualification. Hunnicutt, fearing that the constitution would be rejected by the electorate as then constituted, advocated the disfranchisement of thirty thousand more whites than had already been provided for in the constitution.¹¹ More drastic measures were prevented by the alliance of some of the most conservative Radicals, who were guided by General Schofield and conservative Republicans at the North, with the Conservative delegates. There was also a consciousness in the minds of the more extreme Radicals that after all, the whites were a majority in the State and that it would be wiser to be prudent.

The convention came to a close on April 17, 1868. Its adjournment was made necessary by the refusal of General Schofield to approve any bill providing for the payment of the expenses of the convention after April 6. During its closing hours the constitution was adopted as a whole by a vote of 51 to 36. A few Radicals, one of them colored, voted with the Conservatives against its adoption.

By the clauses of the constitution disfranchising all ex-officers

⁹ See for example *Documents* of the Convention, No. XXVII.

¹⁰ This standing committee was composed of seven Radicals, two of whom (Bland and Moseley) were colored, and four Conservatives, one of whom was removed from the committee after his appointment. James W. Hunnicutt was its chairman.

¹¹ The Richmond *Enquirer*, March 4, 1868.

of both State and local governments, requiring the test oath as a qualification for office, and excluding those thus disfranchised and disqualified from jury service, the destiny of the State was left in the hands of the densely ignorant freedmen who were without experience in government and utterly lacking in the traditions of political morality, a people who by their very nature and training had been an easy prey to unscrupulous demagogues.¹²

On the day of its adjournment General Schofield appeared before the convention and made an earnest plea for the reconsideration of Article III of the constitution, that referring to the franchise and to office holding.¹³ He said:

"I deem the question of the oath of office of so vital importance, that I believe it to be my duty to give my views on the subject. It has been necessary for me, during the past year, to select registering officers as well as persons to fill the various civil offices in the State.

"I have been able to find in some counties only one, in others two, and others three persons of either race able to read and write who could take the test oath. Most of the local offices give very small compensation, such that even a laboring man could not afford to go to another part of the State for the purpose of accepting them. I have no hesitation in saying that it will be practically impossible to administer the government under your constitution and with that provision, and that the retention of that provision will be fatal to the constitution, and probably fatal to those who are responsible for the existence of that objectionable feature. I say this, lest some of you may be deceived as to the wishes of the people of the country at large, or those whom you regard as your friends in Congress. They will not and cannot sustain you in going so far beyond what is either authorized or required by the acts of Congress."¹⁴

After his departure General Schofield was bitterly attacked by Bayne, Lindsay and others for his advice, and no heed was taken of his counsel.

¹² For clauses of the constitution referring to the elective franchise and qualifications for office, see Appendix No. I. Special attention is called to Sections 1, 3, 6 and 7 of Article III.

¹³ The privilege of the floor was extended to the Commanding General and to his staff at the beginning of the session. *Journal*, p. 32.

¹⁴ The *Richmond Whig*, April 18, 1868.

In a letter to General Grant, written the next day—April 18, 1868—General Schofield describes the work of the convention and expresses the belief that no satisfactory Union party can be organized upon the basis of the present Radical party and its constitution in the State, and advises that the constitution be allowed to “fall and die where it is—not to submit it to the people at all;” that a provisional government be organized; and that, after the government could be organized upon a loyal basis, another convention be called to draw up a constitution “fit to be ratified by the people of the State and approved by Congress and the country at large.” It is his opinion that the negroes and their associates would insist upon the unqualified indorsement of the constitution, and this, he says, “the respectable whites will not give.” General Schofield also expresses his fear that the “late Convention will be reproduced in the legislature, a large majority being either worthless radicals, white and black, or bitter opponents of reconstruction upon the Congressional plan. The danger is that we will have on our hands, not only one big elephant in the constitution, but a host of little ones in the shape of officers-elect who are not fit to be installed—a prospect not very encouraging, at least.”¹⁵

If the Republican Federal officer in command of the District was so completely discouraged and disgusted with the progress of Reconstruction in Virginia under the Congressional plan, one need scarcely marvel that the respectable white population of the State were opponents of the system of Reconstruction that threatened the very existence of their civilization.

¹⁵ In an extract from this letter, General Schofield shows the spirit and purpose of the Radicals of the convention as follows:

“The same baneful influence that secured the election of a majority of ignorant blacks, and equally ignorant or unprincipled whites, to the Convention, has proved sufficient to hold them firmly to their original purpose. They could only hope to obtain office by disqualifying everybody in the State who is capable of discharging official duties, and all else to them was of comparatively slight importance. Even the question whether their constitution will be ratified or rejected, they treat with indifference. Congress, they say, will make it all right anyway.” John M. Schofield, *Forty-Six Years in the Army*, p. 400.

During the final debate on the constitution several of the most able and far seeing Radicals opposed its adoption. Most prominent of these were Judge Snead, Dr. Eastham and Edgar Allen. They warned the Radicals, especially the colored delegates, that extreme measures against the white people of the State would only mean a reaction that would be disastrous to those that employed them.¹⁰

By excluding the only element in the State competent to fill the offices, the proposed constitution secured the State and local offices for the Radicals. But this was not all. It purposed to increase further the power of the Radicals by doubling the number of offices, by decentralizing the State government and by having the local officers chosen by popular vote. In this way the forty-three black counties, the most populous counties of the State,

¹⁰ The following extract from one of these speeches by Edgar Allen, who was born in England, had been for many years a resident of the North, and owed his seat in the convention to the negroes of Prince Edward county, shows how outside influence was brought to bear on the convention throughout its session and the fruitlessness of that influence in affecting the legislation of the convention:

"Ignoring the plan set down for our guidance, a majority of the members of the convention have drafted a clause which never can and never will be indorsed by the vote of any man who has the least feeling of regard for the honor of his native State: a clause which not only fixes the degradation of those men who bravely fought for what they believed to be their birthright, but which also seals the doom of every colored man in this Commonwealth. I warn you—I mean you colored men * * * that if the constitution now about to be submitted to you should ever chance to be adopted, the only boon you secure to yourselves is to have the power for a few short years of rewarding men who are only ambitious to receive your gifts; and the only legacy you will leave to your children will be the hatred of every white man among whom they live. Again and again, I warn you. Don't be misled by a set of men who, instead of working for your good, have endeavored to frame a constitution for Virginia which will simply make her a great rendezvous for adventurous foreigners, to come here and live upon the fat of the land with no other attachment to you or your State than the love of office and *per diem*." The Richmond Whig, April 21, 1868. For a similar speech by Judge Snead, see the Richmond Enquirer, April 17, 1868.

would be under the control of negro office holders and their carpetbag allies. The legislature would have been a repetition of the convention. These numerous officers were to be elected under a township system which was copied from that of New England and which was entirely unsuited to the sparsely settled counties of Virginia. The number of officers in each county was increased from about twenty to not less than forty-eight—all elected by popular vote. Most of the principal State officers were to be elected by the legislature, which in turn, as General Schofield suggested, might greatly resemble the convention. The election, tenure of office and salary of judges were placed in the hands of the legislature.¹⁷

A sufficiently convincing illustration of what would have taken place had this constitution been adopted in its entirety is found in a report of November 21, 1869, of General Stoneman (who had succeeded General Schofield as Commanding General of District Number 1) to the Adjutant General.¹⁸ As the result of the Act of Congress of February 8, 1869, requiring a more stringent oath of those elected to office, there were many vacancies in State and local offices, which were at that time filled by the Commanding General. According to General Stoneman's report, of the 5,446 offices in the State, 2,613 were then vacant. Of the officers already appointed many had not accepted, and

¹⁷ Although these were the most objectionable features of the constitution, there were many others that were not welcomed by the people. The new system of government was more expensive and cumbersome than the former one. The provision for a system of public free schools before 1876 to take the place of free schools for the poor under the "literary fund" system, though it proved to be a blessing, was a great financial burden at that time and was not cordially received by many. Voting by ballot which was introduced in the place of the old *viva voce* method was considered a cowardly and unmanly way of voting, and the secrecy which it encouraged was thought to be conducive of fraud.

¹⁸ General Schofield was given a place in the President's Cabinet. His successor, General Stoneman, was an able and conscientious officer. But on account of the increased stringency of his orders from Washington he was forced to be more severe in his administration than his predecessor had been.

many others would be unable to take the oath of office. Few native white Virginians could take the oath because, as General Stoneman said, nearly every one gave "aid, countenance, counsel, or encouragement to persons engaged in armed hostility" to the Federal government, "and once having engaged in war, probably no portion of the Southern people, old and young, male and female, were more earnest in its prosecution." A test oath therefore, such as that required by the Underwood Constitution, would have excluded practically the whole white population from holding office. After describing the impossibility of securing officers under the oath imposed by Congress, similar to that imposed by the Underwood Constitution, General Stoneman ended his report with this striking comment upon the political outlook for Virginia under the proposed constitution:

"The offices in the state have not been filled by competent persons; they certainly cannot be filled when the restrictions of any one party are to be observed and complied with, as will be the case upon the adoption of the proposed constitution, under which it is desired by some that the people of Virginia shall be forced to live, and to the requirements of which they are expected to consent."¹⁹

The Underwood Convention of 1867-1868 and the constitution which it advocated, taught the people of the North what Radicalism meant in Virginia, and made certain the victory for the Conservatives in the campaign of 1869, which brought Virginia back into the Union, free from Radical-negro rule.

¹⁹ The *Richmond Enquirer*, April 8, 1869.

CHAPTER V.

THE COMMITTEE OF NINE.

The story of the contest in 1868 and 1869 between the Conservatives and the Radicals over the adoption of the Underwood Constitution is one of continual changes in the political attitude of both parties. The Conservatives became through necessity more liberal; and the conservative Republicans became more conservative and finally became allies of the Conservative party. The Radicals clung to the Underwood Constitution with all of its objectionable clauses in spite of the willingness of the Conservatives to compromise. When defeated in the fall of 1869 they urged Congress to continue military rule in the State and to inaugurate a government by Radicals alone. As a result of these political alignments the Conservative white party became larger, and the Radical, smaller and blacker. Furthermore the name "Republican," by which the Radical party continued to call itself, became more and more disliked in Virginia politics.

During the summer and fall of 1868 there seemed to be but two alternatives for the people of Virginia, the Underwood Constitution, which meant disfranchisement of the whites and negro rule, and the continuance of military rule, which is degrading to a people who are accustomed to govern themselves.

An election to decide whether the constitution was to be adopted, and to elect officers under the same, was ordered by the convention to be held on June 2, 1868. But General Schofield issued an order on April 24 to the effect that, since Congress had not made an appropriation to defray the expenses of an election, he had no authority to have carried into effect the ordinance of the convention which provided for an election on June 2. And since he thought that the constitution with the disfranchising clauses would be most harmful to the State, he refused to draw on the State treasury for the purpose, as he had a right to do.¹

¹ John M. Schofield, *Forty-Six Years in the Army*, p. 402.

He also advised Congress to have the disfranchising and test oath clauses voted on separately. Wells and other extreme Radicals appeared before the Reconstruction committee in Congress to plead for an appropriation for holding the election before enough whites would have political disabilities removed from them to defeat the Radical aims. But the constitution continued to rest peacefully in the pigeonhole of the Commanding General's desk, and Virginia remained unreconstructed under military government until 1870.

In spite of General Schofield's order of April suspending the time of the election indefinitely, the two parties, which had begun to plan their campaigns soon after the adjournment of the convention in April, held conventions during the first two weeks of May 1868 and nominated candidates for the principal offices in the State in case there should be an election at some time during the year. The Radicals nominated for governor an extreme and unscrupulous carpetbagger, H. H. Wells.² The Conservatives nominated R. E. Withers.³

Wells had been appointed temporary governor of Virginia by the Commanding General on April 4, 1868. It was believed by the Conservatives that Governor Pierpont was removed because he was not radical enough to suit the Republicans of the State. The real cause of the change seems to have been the desire on the part of the Republican managers to bring forward a leader who was sufficiently extreme to get the support of the negroes and other Radicals but who was superior in ability and respectability to Hawxhurst and Hunnicutt, who had announced their candidacy for the office of governor before the adjournment of the constitutional convention and were actively canvassing the negro voters. Wells would also receive prestige from his new

² Wells was a native of New York who had been for many years a resident of Michigan. He came to Virginia early in the War of Secession as provost-marshal of Alexandria.

³ The Conservatives nominated James A. Walker for lieutenant-governor and John L. Marye, Jr., for attorney-general. The Radicals nominated J. H. Clements for lieutenant-governor and G. W. Booker for attorney-general.

office which would make the way easy for his nomination on the Republican ticket in the next election for governor.⁴

During the remainder of the year after the convention had adjourned, the campaign was conducted vigorously by both parties. The Radicals became more confident of victory and the Conservatives, more determined to defeat the constitution and to elect a Conservative governor. At this time the people of the South believed that the intelligent people of the North would not tolerate universal negro suffrage in the South.⁵ Even the announcement by the Republican party, in the summer of 1868, of its platform with universal negro suffrage as its cardinal doctrine did not make them lose hope of somehow escaping negro suffrage. Public opinion had been somewhat inclined towards negro suffrage as a compromise measure, but it had changed during the year of negro domination in politics that had just been experienced. This campaign increased the hostility to universal negro suffrage. When therefore the elections in the fall of 1868 showed the people that Reconstruction could only come by the sacrifice of feeling and conviction through the acceptance

⁴ A. H. H. Stuart, *The Restoration of Virginia*, pp. 49-50.

⁵ What the people of the State thought of the sentiment of the Northern states on this question is seen from an address of the Conservative members of the Constitutional Convention of 1867. The following is an extract from this address:

"Every Northern state which has voted on the subject since the close of the War has rejected negro suffrage. Ohio, on a direct issue, no later than last fall, did so by a majority exceeding 50,000. Kansas, Minnesota and Connecticut had previously done the same thing. The late Constitutional Convention of New York deliberately recoiled from deciding the question. And Michigan, hitherto so overwhelmingly Republican, has just voted down her new constitution by a majority of 30,000, because it admitted negroes to the polls. The census shows that there were only 35,000 negroes in Ohio in 1860. There could have been only 7,000 negro voters in the state, had they been enfranchised. In Michigan there are only about 500 male negroes twenty-one years of age. The white voters number more than 165,000. And yet this State, where a Republican governor was elected in 1866 by a majority of 29,038, refused by some 30,000 majority to let 500 negroes vote." The *Richmond Whig*, April 20, 1868; the *Richmond Enquirer*, same date.

of universal negro suffrage with its dangers to their lives, property and civilization, the outlook for the future seemed most gloomy. The apparent hopelessness of the situation and the discouragement of the people threatened to cause entire inactivity in politics among the Conservatives. It was felt that Congress was determined to degrade them and that there was no use to struggle against the inevitable. What was in store for them was no longer an uncertainty since negro suffrage had already been tested.

On December 8, 1868, the bill approving the Underwood Constitution was passed in the House of Representatives with little notice or comment on the part of the members of the House and with no protest from the people of Virginia. Alexander H. H. Stuart of Staunton, Virginia, who had been a close observer of affairs in the State and in Congress, had urged one of the organized political committees in Richmond to formulate a protest to Congress against the approval of the Underwood Constitution. But it did not consider such action within its jurisdiction.

Fortunately for Virginia, Congress took its recess soon after the House of Representatives had approved the constitution. Time was thus gained to aid Mr. Stuart in the carrying out of a scheme which he had already set on foot to rid the constitution of its most objectionable features—the test oath, disfranchisement and county organization clauses—while accepting as a matter of necessity universal negro suffrage. This scheme was first brought before the people in an article over the signature “Senex,” which appeared in the *Richmond Whig* and in the *Richmond Dispatch* on Christmas Day, 1868. By Mr. Stuart’s permission his authorship of the article was made known at the same time. He pointed out that there would be military rule should the constitution be rejected at the polls, and that a still greater calamity would befall the State should the constitution be accepted in its entirety. Negro suffrage was now inevitable since public sentiment at the North, as shown by the recent elections and by the tone of the press, had changed in this respect. He showed that it had become the conviction of a majority of the people of that section that negro suffrage was the legitimate, if not the necessary consequence of emancipation; and that these

people had the power to enforce their convictions. It would be better, he counseled, to accept negro suffrage in return for a revision of the Underwood Constitution. He advised the executive committee of the Conservative party to call two men of "approved wisdom and integrity" from each Congressional district of the State to meet and draw up for the consideration of Congress a new constitution which would embody "the universal suffrage and universal amnesty proposition in its broadest terms, and negro eligibility [to office] to boot!"

So unprepared were the people of Virginia for accepting universal negro suffrage, especially after the campaign that had just been waged on that issue, that one of the leading Richmond papers refused to publish Mr. Stuart's article, and those that did publish it did so only on condition that they assume no responsibility for it whatever. Even Colonel John B. Baldwin, who was one of the active and useful advocates of the "New Movement," as the plan was called, hesitated in joining Mr. Stuart at first because he thought that public opinion was not prepared to entertain so bold a proposition.⁶

⁶ On January 2, 1869, Colonel Baldwin wrote to Mr. Stuart, who had just returned from Richmond where he had gone in behalf of this movement, a letter in which he said:

"I apprehend from all I can learn from Bell, Trout and Echols, that you found rather a slim showing of sympathy in Richmond, and I shall not be surprised if you find the movement entirely tabooed before many days.

"Our people seem to be in pretty much the same condition they were just before the fall of the Confederacy. Everybody looked for it and believed it was coming, and yet if any one dared utter his thoughts he was set upon and cuffed without mercy.

"Our people now do not seem to be prepared to discuss, or even to consider any plan of dealing with the awful danger which threatens them, and I very much fear they will be caught as the people of old were by the deluge." A. H. H. Stuart, *The Restoration of Virginia*, p. 30. The movement was opposed in the beginning by some of the leading politicians of the State. Among these were Henry A. Wise (Richmond *Enquirer*, January 18, 20, 21, 22, 23, 1869), Mar-maduke Johnson (*Enquirer*, January 13), Raleigh T. Daniel (*Enquirer*, February 2, 1869) and War-Governor Fletcher (*Enquirer*, February 17, 1869).

Mr. Stuart's article was widely and earnestly discussed. It had much influence upon public opinion and prepared the way for the events that later transpired. The "New Movement" rapidly gained ground as the people began reluctantly to admit that what had been said in the "Senex" article was true.

Through the influence of Mr. Stuart a number of leading men from all parts of the State met in Richmond on December 31, 1869 to formulate more definite plans for making the movement a success. A committee of nine men was chosen to go to Washington in order to acquaint Congress with the true state of affairs in Virginia and to save the State from the evils that impended. Mr. Stuart was made chairman. The other members were: John B. Baldwin, of Augusta County; John L. Marye, Jr., of Fredericksburg; James F. Johnson, of Bedford County; W. T. Sutherland, of Danville; Wyndham Robertson, of Washington County; W. L. Owen, of Halifax County; James Neeson, of Richmond, and J. F. Slaughter, of Lynchburg. The New Movement was exceedingly fortunate in having as its founder and guiding spirit Alexander H. H. Stuart. He had served his state as a member of each branch of the General Assembly, as a representative in Congress, as presidential elector, and as Secretary of the Interior under President Fillmore. He had been a Whig and a strong Union man before the War.⁷ His mental and moral worth was well known and respected, and the success of his scheme was largely due to the high regard in which he was held.

At the time that the Committee of Nine was appointed, resolutions were adopted setting forth the aims of those present at the meeting, and requesting the people of Virginia to appoint delegates to a popular convention to be held in Richmond on February 10, 1869, for the purpose of considering the report of the Committee of Nine and to adopt such measures as would be necessary to aid them. The views and purpose of the meeting as

⁷ He was later rector of the University of Virginia for a number of years, a trustee of the Peabody Fund and president of the Virginia Historical Society.

set forth in the resolutions were the same in substance as those expressed in the "Senex" letter.⁸

On January 8, 1869, the Committee of Nine met in Washington. Colonel Baldwin was the chief spokesman of the Committee before the Reconstruction and Judiciary committees of Congress. He had been active in Virginia politics and was moderate, pleasing in address and very forceful in debate. Mr. Stuart secured the services of his friend, Horace Greely, thereby enlisting the powerful influence of the New York *Tribune* in bringing the true state of affairs in Virginia before the people of the North. In this way he rendered much aid to the Committee of Nine.⁹

There were two other delegations present at the meetings of the committees in Congress having charge of Reconstruction. One of them represented the conservative faction of the Republican party, and the other, the radical faction. The former delegation, which was composed of Franklin Stearnes, L. H. Chandler, Edgar Allen and others, were there simply as a committee of observation to prevent any action prejudicial to their faction in Virginia. The latter delegation, which was more numerous, was led by Governor Wells and was composed of both white and col-

⁸ They were set forth in the resolutions as follows: "While the convictions of the undersigned and, as they believe, of the people of Virginia, generally remain unchanged, that the freedmen of the Southern States in their present uneducated condition are not prepared for the intelligent exercise of the elective franchise and the performance of other duties connected with public affairs, and are therefore, at this time, unsafe depositories of political power; yet, in view of the verdict of public opinion in favor of their being allowed to exercise the right of suffrage as expressed in the recent elections, the undersigned are prepared to surrender their opposition to its incorporation into their fundamental law as an offering on the altar of peace, and in the hope that union and harmony may be restored on the basis of universal suffrage and universal amnesty." A. H. H. Stuart, *Restoration of Virginia*, p. 28.

⁹ Among the most influential newspapers of the North that gave their support to the Committee of Nine were the New York *Times*, the Boston *Advertiser* and the Chicago *Tribune*. A. H. H. Stuart, *Restoration of Virginia*, p. 47.

ored men. They had come to defeat, if possible, the plans of the Committee of Nine.

Governor Wells testified before the Reconstruction Committee that enfranchisement of the whites would not be safe at that time; that it would put an end to the Republican party in Virginia and destroy the last hope of the Loyalists in the State; and that material development could only come through Republican, or Radical, control. He stated furthermore that public opinion in Virginia would not support the Committee of Nine. He was answered by members of the other two delegations from Virginia. Mr. Stearnes said that since the defeat of the Democratic party in the elections of the previous fall, the people of Virginia were ready to comply with the Reconstruction Acts; that a majority of the property holders would support the Committee of Nine; and that if Virginia were restored under the proposed constitution, without the disfranchising, test oath and county organization clauses, prosperity would revive and "justice would be impartially administered and all classes completely protected." He condemned the Underwood Constitution and felt confident that it would be defeated by an honest vote of the people, which would "leave the State without a civil government, and subject to all the whims and caprices of military rule." He was therefore in favor of the program of the Committee of Nine.¹⁰ After a conference with the Judiciary Committee in the Senate, the Committee of Nine was requested to present in writing their grievances and the amendments to the Underwood Constitution that they desired.¹¹ The report was written by Mr. Baldwin.

The conservative Republicans, finding themselves in accord with the Committee of Nine, had become their ally. One of those who was invited to Washington by the Committee was Gilbert C. Walker, a New Yorker, who had come to reside in Norfolk, Virginia. The aid that he rendered the Committee in Washington won for him the esteem of the most influential conservatives of both parties and paved the way for his election a few months later as governor of the State.

¹⁰ Stuart, *Restoration in Virginia*, pp. 37, 38.

¹¹ *Ibid.*, pp. 39-44.

Remembering his promise to the Committee of Nine, General Grant, in his first message to Congress on April 7, 1869, advised that an election be held in Virginia and suggested that such parts of the constitution as might be thought expedient be submitted separately to the voters.¹² Three days later Congress responded to the President's message by authorizing him to submit the Underwood Constitution to the voters of Virginia for their approval or rejection at such a time and in such a manner as he should see fit. The State officers provided for under the constitution were to be elected at the same time. Accordingly, on May 14, 1869, the President named July 6 of that year as the date for the election. Sections 1 and 7 of Article 111, those, relating to the test oath and disfranchisement, were to be voted on separately.¹³ It was a great disappointment to the Conservatives that the county organization clause was not included among those to be submitted to a separate vote. General Grant had expressed his unqualified disapproval of this feature of the constitution to the Committee of Nine, because it would put the governments in about half the counties of the State under the control of the negroes and their unscrupulous white leaders. On this point, however, the President had yielded to the opposition of his cabinet, which feared that a change in this respect would destroy the public school system which was closely associated in the constitution with the county organization.

The way was now clear for the decisive struggle between the Conservatives and the Radical-Republicans for which both sides had already been preparing.

¹² *Ibid.*, pp. 53, 54.

¹³ *Code of Virginia*, 1873, p. 26.

CHAPTER VI.

THE CAMPAIGN OF 1869 AND THE RESTORATION OF VIRGINIA.

While it appeared that the New Movement had divided the Conservatives into two factions during the early part of 1869, a serious division had occurred in the ranks of their opponents. This schism was due in great part to the unfortunate personality and ultra-radicalism of the Radical candidate for governor, H. H. Wells. His political record was not above reproach and he had made some very powerful enemies in his party. His sudden elevation to the highest office in the State and to the leadership of the Republican party, which went with that position, had brought upon him the jealousy and dislike of such men as Hunicutt and Hawxhurst, who were openly aspiring to that pre-eminence themselves. He had, through his dishonesty, incurred the enmity of General William Mahone, the leading railroad man of the State, a man of doubtful party leanings and of great influence as a politician. He had alienated the more moderate members of his party by his extreme views and by some rather questionable political acts.¹ He had been among the first of the Republicans to advocate the universal enfranchisement of the negroes and the disfranchisement of the whites. As early as June, 1865, Wells had accused the white people of Virginia of perjury and had advocated very extreme measures against them.² In 1868 he urged the Reconstruction Committee

¹ Richmond *Enquirer*, March 11, 1869.

² His views are stated in a letter of June 21, 1865, to S. Ferguson Beach, president of the Virginia Union Association. This letter was widely used as a political document at the time. After stating that "loyal" men, both white and colored, were not receiving sufficient protection and that a remedy was necessary, he said, "And what is that remedy? It is, in my judgment, to establish a military provisional government, to locate a sufficient military force to preserve peace, command respect, and secure order, in other words, to *vindicate the supremacy of the law*. Then disfranchise those who are not

in Congress to disfranchise 25,000 Virginians who had not been disfranchised by the Reconstruction Acts, in order to make secure the political position of his party. In 1868 he had also advocated the Underwood Constitution without reservation. And in 1869 he again appeared before the Reconstruction Committee and opposed the submission of the objectionable clauses of the constitution to a separate vote because it would mean the defeat of the Radical party in the State. In spite of all this, in May, 1869, Wells declared himself in favor of the omission of the offensive clauses in the Underwood Constitution.³ This move was taken by him after it was evident that his former position was making him unpopular with the best men in the Republican party. But he did not advocate in his public speeches the defeat of the clauses, and his followers, both white and colored, continued to support the constitution as a whole. It was generally believed, and with good reason, that he was secretly working with his followers as he had done openly in the past.⁴

The unpopularity of Governor Wells had made such discord in the Republican ranks that the state executive committee of the party decided to set aside all the nominations of 1868 and to call a new convention to put other candidates in the field. The convention met at Petersburg March 9 and 10. It was one of the most turbulent of the many disorderly Radical conventions of the period.

The insurgents, who composed the more moderate wing of the Republican party, desired the nomination of James H. Clements for governor. The negroes, who made up the rank and file of the opposing wing, supported the candidacy of Wells almost unanimously. The contest between the two factions over the election of a chairman to the convention was very stormy. When the Clements faction claimed the victory, the Wells faction started a riot. Order was restored only after the police had

loyal, making loyal acts, and not a *paper oath*, the test of loyalty. This done, create a perpetual balance of power, which will at all times secure you from political danger; or more plainly, *let the negro vote.*" *Richmond Enquirer*, April 7, 1868.

³ *Richmond Enquirer*, May 8, 1869.

⁴ *Richmond Enquirer*, June 10, 1869.

made an unsuccessful effort to restore order, and the mayor of Petersburg had threatened to join in Federal troops. As a result of this disorder the Conservative faction was overpowered. The Radicals, now in possession of the field, elected from among their number the permanent officers and appointed a new state central committee. Six negroes were members of the newly appointed central committee of the party. Wells received the nomination for governor. The leading white Radicals had expected to nominate Joe Buchanan-governor, Dr. W. O. Douglas, of Richmond County, was a colored delegate. Lewis Lindsay nominated Dr. J. D. Harris, a negro, of Hampton, Virginia. Edgar Allen, in order to further discredit the Wells ticket in the eyes of the people of the State, helped to win the nomination for Harris by an eloquent speech, which completely won over the negro delegates.¹ Resolutions were adopted by the convention affirming the early restoration of Virginia under the new constitution without any changes or amendments as early as practicable in order to insure a Radical victory, the rights of the "real" Republican party to manage the manner of restoring the State to the Union as well as the constitution and laws under which the State should be restored, and the disfranchisement of, and the refusal of amnesty to, the great body of the white people of the State.

After the adjournment of the convention, the more moderate Republicans met and drew up resolutions on the effect that it was their opinion that the large majority of the white people of Virginia were willing to carry out as good faith the measures proposed by Congress for the reconstruction of the Southern States. "We believe" continued the resolutions "that they will cheerfully support true and well-known Republicans for State officers, and to afford them an opportunity to do this we respectfully recommend for Governor G. C. Walker, of Norfolk city, for Lieutenant-Governor John F. Lewis, of Rockingham County, for Attorney-General J. C. Taylor, of North-

¹ The Dispatch, March 12, 1866. For an account of the Convention see Dispatch, March 12, 1866, and other papers of those dates.

² The Dispatch, March 12, 1866.

gomery County." These resolutions were signed by over one hundred and fifty of the most intelligent and respectable members of the Republican party in the State and show clearly the influence of the Committee of Nine. In fact, those who had been mainly instrumental in drawing up the resolutions were members of the conservative Republican committee that had assisted Mr. Stuart's Committee of Nine in Washington during the month of January.

The Committee of Nine had suggested that a conservative ticket be put in the field against Wells, regardless of party lines. It was even suggested that in case the conservative faction of the Republican party was unable to defeat the nomination of Wells in the coming election, that they withdraw from the convention and nominate candidates of their own, and thus defeat the Wells ticket by dividing the party. But no definite arrangement had been made with the moderate Republicans. It is probable that the allied factions saw at an early date the necessity of supporting a conservative, or moderate, Republican ticket in order to defeat the Wells faction, but wisely kept their plan to themselves until public opinion was ready for its adoption. At any rate it was adopted in April 1869 by the Conservatives and moderate Republicans.

On the twenty-eighth of that month a convention of the Conservative party met in Richmond at the Exchange Hotel, the political rendezvous of that day.⁸ The attitude of the people in regard to the New Movement had changed. After the first heat of bitter protest had passed away, they had recovered their good judgment and self control and were determined to save, if possible, the remainder of their political fortunes. Resolutions were adopted urging the voters to defeat the objectionable clauses of the constitution when it was submitted. The candidates who had been nominated by the Conservatives about twelve months before withdrew in order to give the party a free hand in this crisis. A few days later the state central committee urged the

⁷ Appleton's *Annual Cyclopaedia*, 1869.

⁸ Stuart, *The Restoration of Virginia*, pp. 51, 52.

⁹ *Richmond Enquirer*, April 29, 1869.

people to support the conservative Republican candidates. It was felt that although the Conservative party could probably win by an honest count, since the choice would lie between Withers, a "red-handed Confederate colonel," and Wells, a "loyal" Republican, the latter might be "counted in" by the election officials.¹⁰

Such was the party alignment when, on May 4, 1869, President Grant named July 6, 1869 as the time of the election in Virginia and proclaimed that a separate vote would be taken on the disfranchising and test oath clauses. Notwithstanding the disappointment of the Conservatives because the county organization clause was not submitted to a separate vote, the campaign, which had already been inaugurated, was conducted with energy. Walker was greeted with enthusiasm by Conservatives in all parts of the State. Wells also conducted an efficient campaign, mostly among the negroes.

The Conservatives were beginning to feel confident of victory, when it became known, just before the election, that General Canby, who had succeeded General Stoneman as commanding general of the District in March 1869, was determined to administer the "iron clad" oath to the officers-elect. Should this be done, the candidate having the next highest vote would be counted in. Only Radicals would then be elected, and it would have meant disaster to the Conservatives and to the State. Upon hearing this through Mr. Stuart, the President issued an order preventing General Canby from carrying his designs into effect.¹¹

The attitude of the conservative whites towards the negroes in this campaign is very interesting. The Conservative party had organized as a white man's party after the bitter campaign of 1867, but the new organization, which included the moderate Republicans, sought the aid of the conservative negroes just as the Conservative party had done in the election of 1867. Most of the political shortcomings of the negroes were charged to their white Radical advisers, who were cordially hated during

¹⁰ Stuart, *Restoration in Virginia*, p. 52.

¹¹ Stuart, *The Restoration of Virginia*, pp. 63-66.

their stay in Virginia. The negroes themselves, if moderate, were preferred as candidates to these men. The *Richmond Dispatch*, a conservative paper, in commenting on the election, said, "Dr. Norton [colored] of Williamsburg, will be no doubt elected in the First District. He is, we believe, conservative, and opposes Ayer, the bitter Radical from the North. We shall consider Norton's election a victory."¹² In several counties the white Conservatives nominated negroes for office. Three of these were elected to the General Assembly.¹³ Some of the most substantial negroes aided the Conservatives in this campaign as they had done in 1867.

About a week before the election, some two hundred and fifty Conservative negroes of Richmond, at the risk of personal violence from the colored Radicals, arranged a barbecue for their men and invited a number of prominent white Conservatives. The speeches on both sides were harmonious and good feeling prevailed. The hosts displayed a banner upon which was a picture of a white man and a colored man shaking hands. Under the picture was written, "United we stand; divided we fall." By an unhappy coincidence a nearby bridge fell soon after the appearance of this banner, carrying with it a crowd of people. Many were injured and several killed.¹⁴ Among those who were killed was Colonel James R. Branch, a prominent white Conservative, of Richmond.

The Radicals encouraged the superstitious negroes in believing that this accident was an evil omen against the affiliating of members of their race with the Conservative party. The Radical newspapers attributed much importance to the providential warning, as they interpreted it to the negroes. One of them, the *Richmond Evening Journal*, of July 3, 1869, said of the accident, "That colored vote of ours is a *power*. It is directed by a religious sentiment. The hand of God is in it to curse those who apostatize, and to bless and guide those who go faithfully to the polls and vote for the Republican ticket. . . . There has

¹² (Ayer was elected, however). *Dispatch*, July 7, 1869.

¹³ *The Nation*, July 13, 1869.

¹⁴ *Richmond Dispatch*, July 2, 3, 1869.

been no 'colored Conservative barbecue' and there will be none. An awful fiat has forbidden, and that finger will not again be tempted to be uplifted against colored apostasy." ¹⁵

During this campaign most of the negroes were completely under the influence of the Union League.¹⁶ Some of them were persuaded by the anti-Wells Republicans to follow them into the Conservative ranks. Others had been persuaded to abandon the League by the farmers, who in some cases refused to employ a member.

As the day of the election drew near the negroes showed a growing tendency to nominate men of their own color as candidates for election to the General Assembly and to Congress. On May 24, the first unmixed negro state convention ever held in Virginia met in Petersburg in answer to a call issued by the colored people of that city. The object of the convention, as expressed by Dr. Bayne, was to bring it about that the State would have no peace while all of its offices were filled with white men. The convention endorsed the whole Underwood Constitution and the Wells ticket.¹⁷

In a number of counties in the State the negroes put candidates of their own race in the field against those of both the Walker and the Wells tickets. In Norfolk city they had two colored candidates for the State Senate and three for the House of Delegates. In six Congressional districts they had candidates for the House of Representatives.

The vote in the election of 1869 was perhaps the largest that had ever been cast in the history of the State. The returns are very interesting since they show the vote by race as well as by party. They are as follows:¹⁸

¹⁵ Quoted in the *Richmond Dispatch* of July 5, 1869. According to the *Dispatch* (July 9) the accident was made to help in intimidating those of the negroes who had deserted the Union League. Barbecues were given the negroes in several counties to win them from the League.

¹⁶ The *Richmond Dispatch*, July 2, 1869.

¹⁷ The *Richmond Enquirer*, May 28, 29, 1869.

¹⁸ *Code of Virginia*, 1873, p. 28.

Total Number of Registered Voters.		Number of Votes Cast.		For the Constitution.	Against the Constitution.
White	Colored	White	Colored		
149,781	120,103	123,114	97,205	210,585	9,136

For 4th clause Sec. 1, Art. III of Constitution.	Against It.	For 7th Section, Article III	Against It.	Not Voting	
				White	Colored
84,410	124,360	83,458	124,715	24,637	22,898

For Governor		For Lieutenant-Gov.		For Attorney-General	
Walker	Wells	Lewis	Harris	Taylor	Bowden
119,535	101,204	120,068	99,600	119,446	101,129

The color line in this election was drawn more sharply than in the previous election. That part of the constitution not including the two parts that were voted on separately was accepted by both sides almost unanimously. Walker was elected governor by a majority of 18,331 out of 220,739 votes. The Conservatives, Lewis and Taylor, were also elected lieutenant-governor and attorney-general, respectively. Of the six candidates for the three highest state offices, Taylor received the greatest number of votes and Harris, his colored opponent, the smallest. Evidently some of the Radicals did not support their colored candidate. The most interesting and significant feature of the election was the vote on the clauses that were submitted separately. The negroes voted almost unanimously for these clauses, which if adopted would have disfranchised thousands of white men and disqualified from holding office practically all the white men of the State. The efforts to break the hold of the Union League on the negroes had been successful only to a very small degree, and the negroes voted as they had been instructed by their Radical leaders.

Of the 43 senators elected to the General Assembly, 30 were Conservatives and 13, Radicals. Of the 138 delegates elected, 96 were Conservatives and 42, Radicals. There were 6 negro Radicals among the senators elected, and 18 negro Radicals and 3

negro Conservatives among the delegates. The Conservative candidates won 5 out of the 9 Congressional districts.

To the country at large this seemed like a victory of the moderate faction of the Republican party, but it was really a victory of the old Conservative party. It meant that the State had passed directly from under a fairly efficient military government to one under Conservative control, and that Virginia was thereby spared several painful years of carpetbag-negro rule, like that which had existed in most of the other Southern States. There remained, however, from Reconstruction, a new and cumbersome government, the provision for an expensive public school system, a large public debt, and other new and fearful problems—social, political and racial. These problems had to be faced and solved by a poverty-stricken state, carrying a heavy debt and a burden of about one hundred and fifty thousand newly enfranchised freedmen, who were densely ignorant and well organized under unscrupulous leaders politically hostile to the white population.

The election had been a quiet one in spite of the bitterness of the campaign that preceded it.¹⁹ The general apprehension that had been felt over this feature of the election is shown in the frequent comment, "No disturbance," "All quiet," and other similar laconic phrases in the telegraphic reports to the newspapers of the elections in the black counties of the State. In a few of the reports, mention was made of the fact that some negroes had voted with the whites for Walker.²⁰

There was great rejoicing among the Conservatives over the results of the election. The Norfolk correspondent of a Richmond paper said, "While I write, bonfires are burning, music playing, and other demonstrations of a rejoicing people" are in progress. There were similar celebrations throughout the State. The exodus of the carpetbaggers was anticipated with keen pleasure. "Thank God," writes the editor of the Richmond

¹⁹ The *Dispatch*, July 8, 1869, considered this "a marvel of these days."

²⁰ Richmond *Dispatch*, July 7, 1869.

Dispatch, "they must soon depart or take to some honest livelihood."

In September 1869, the provisional Governor, Wells, finding the political climate of Virginia no longer congenial, resigned, and the governor-elect, Walker, succeeded him in office. A few days later, October 5, 1869, the first General Assembly that had met in three years, and the first in ten years to receive the unqualified recognition of the Federal government convened in Richmond. The Fourteenth and Fifteenth Amendments were submitted to the Assembly by Governor Walker on the third day of its session. The former amendment was ratified in the Senate by a vote of 36 to 4, and in the House of Delegates by a vote of 126 to 6. The latter amendment was ratified in the Senate by a vote of 40 to 2, and in the House by a unanimous vote. The virtual unanimity with which the amendments were ratified is interesting in view of the fact that before the Assembly had been able to effect a permanent organization and proceed with its work, the Radical members had attempted to have the test oath required of all the members, and followed this vain attempt by a protest against the loyalty and legality of the Assembly.

The Radical party expressed its disapproval of the July elections in resolutions adopted by its State convention which met in Richmond on November 24, 1869. It was therein declared that "the election held in this State on the 6th of July, last, resulted in a Confederate triumph, which we unhesitatingly assert was achieved by artifice, intimidation and fraud."²¹ "We believe," continued the resolutions, "that the secret of our defeat can be found in the unfortunate submission to a separate vote of the test-oath and disfranchising clauses of the State constitution, in direct opposition to the deliberate opinion of the rank and file of the Republican party in Virginia." An appeal was

²¹ The election was conducted under the supervision of Federal officials, and two local men of each race were chosen to challenge the voters at the respective voting places. The Commanding General at the time was a Radical sympathizer. The accusation of the Radicals, like many similar statements to gain the support of the North, was without foundation.

made to Congress to "guarantee to Virginia a republican form of government" by either requiring the test-oath of those elected and upon their refusal to take it to count in the candidate having the next highest vote, or by requiring a new election in order to have a vote taken on the constitution as a whole. "In event of a new election," continued the appeal, "we would ask for a military force sufficient to protect us in our political and civil rights. . . . This is perhaps our last contest. On your decision, loyalty in Virginia lives or dies. If you decide against us, no one will dare avow his Republicanism. The pernicious example set here will extend to other Southern states; the colored people will again be at the mercy of their former masters; the national debt will be repudiated; and the rebel Democratic yoke may be placed on the necks of the American people in 1872." ²² These resolutions are sufficient to show the character and the methods of the "rank and file of the Republican party in Virginia," and to explain, in part at least, the solidarity of the opposition to that party in the Commonwealth since 1867.

Fortunately for the State, Congress did not heed the cry of the Radicals, and Virginia took her place in the Union by an act of Congress of January 26, 1870.

²² Appleton's *Annual Cyclopaedia*, 1869, p. 714.

CHAPTER VII.

THE ELIMINATION OF THE CARPETBAGGERS—1869 to 1879.

The first phase of the history of the negro in Virginia politics ended with the Conservative victory of 1869, which brought the State back into the Union in 1870 under the control of the native white Conservatives. The victory had been fairly won under the careful supervision of the Federal authorities. The Radical domination of the State government by means of the colored vote was ended. But the Radicals retained their hold on local governments in the black counties and were a constant menace to the political welfare of the State. Grave economic troubles had arisen out of war and reconstruction. But before the people of the State could turn their attention to these matters, the political field had to be cleared of carpetbaggers and their radical followers, and the negroes relegated to the background in the affairs of government.

The economic troubles were intimately bound up in State politics with the State debt of over forty-five million dollars that had been contracted before the War of Secession for works of internal improvement.¹ The greater part of the debt had been made during the hopeful decade just preceding the war; and during the decade of war and reconstruction that followed, it was enormously increased by the unpaid interest that accumulated. Had there been no war, the debt, representing for the most part good investments, would not have been a burden to the people. In 1870, however, it weighed like a mill-stone upon the State, and was to dominate Virginia politics for the next half a generation. In 1866 the payment in full of the debt and accumulated interest was pledged by the last legislature representing the old regime. By the code of honor of this regime,

¹ R. L. Morton, "The Virginia State Debt and Internal Improvements, 1820-38," *The Journal of Political Economy*, April, 1917. W. H. Ambler, *The History of Sectionalism in Virginia*.

those who governed the State guarded its honor as jealously as they guarded honor in their personal affairs. Fraud had been practically unknown in the public affairs of the Commonwealth. The stand taken by the legislature in 1866 was heroic in view of the extreme poverty of the State at that time.

At the beginning of his administration Governor Walker took a very hopeful view of the situation. In his message of March 8, 1870, he advocated the funding of the entire debt on a basis most favorable to the creditors, and the passage of other laws to strengthen public and private credit. His advice was heartily seconded by the press of the State and was approved by conservatives everywhere.

The legislature showed by its acts a desire to conform to the new order of things and to follow the lead of the Governor in an effort to strengthen the financial condition of the Commonwealth. A good system of public schools was inaugurated under the very efficient management of the first superintendent of public instruction, Dr. W. H. Ruffner; and provision was made for putting into operation the new system of local government required by the Underwood Constitution. But by taking advantage of the provision in the constitution that reapportionment should be made on the basis of representation in the General Assembly, the legislature broke up the gerrymander of the Underwood Constitution.²

Closely associated with the debt question was the question of railroad ownership and control. Governor Walker advocated the abandonment of the State's interest in the railroads. As a result of its policy of borrowing, the State owned a controlling interest in its main lines of communication. In response to the advice of the Governor, the legislature, after a bitter struggle, passed an act³ providing for the sale of the State's railroad stock at a sacrifice. The negro vote was the deciding factor in the passage of this bill.⁴ The act was not favorable to the in-

² J. A. C. Chandler, *Representation in Virginia* (Johns Hopkins University Studies, vol. xiv), pp. 79-80.

³ Act of March 28, 1871.

⁴ C. C. Pearson, *The Readjuster Movement in Virginia*, p. 29.

terests of the State, and the people felt that their interest had been bartered away. This was one of the most important pieces of legislation of that session.

The most important act of the session was the Funding Act, which was passed two days later. By this act it was provided that the old bonds could be exchanged for new ones, bearing six per cent interest—the old rate—for two-thirds of the amount of the old bonds, respectively, and the overdue interest on them. With these were to be given interest-bearing certificates for the other third upon which was stated that payment of this would be made in accordance with such settlement as would thereafter be made between Virginia and West Virginia. Interest promises were to be in the form of coupons receivable in payment of taxes or other dues to the State.⁵

The bill was rushed through the House at the close of the session with little opportunity for debate. It received the support of half the Conservatives and of all the Republican members but one.⁶ The negroes, who were Republicans, voted against the bill at first, but reversed their vote three hours later.⁷ It was believed that they had been bought.

After the passage of this act, the revenues of the State were not sufficient to pay the six per cent interest on the debt and at the same time pay the other appropriations provided by her laws.⁸ The current expenses of the State, which had averaged a little over half a million dollars, now required an annual appropriation of over a million dollars. To offset this, only little could be realized from the sale of the State's railroad assets under the act of March 28, 1871.⁹ Furthermore, taxes were

⁵ Act of March 30, 1871.

⁶ *Journal of the House of Delegates*, March, 1871. *Journal of the Senate*, March, 1871.

⁷ *House Journal*, 1871-1872, pp. 31, 137, 297 ff; the *Richmond Whig, Enquirer, Dispatch*, February 14-20, 1872—cited in C. C. Pearson, *The Readjuster Movement in Virginia*, p. 32. See also F. G. Ruffin, *The Cost and Outcome of Negro Education in Virginia*, (Pamphlet) Richmond, 1889; *Virginia House Journal and Documents*, 1874-1875, p. 30.

⁸ *Journal and Documents of the House of Delegates*, 1874-1875; W. L. Royall, *The Virginia State Debt Controversy*, p. 21.

⁹ *Senate Journal and Documents*, 1874-1875, Doc. 1.

already high and the people were in very straightened circumstances. The negroes, who constituted over a third of the population, had practically no property at all to be taxed.

There had been little interest taken in the campaign of 1870. Three Republican and five Conservative representatives were elected to Congress. The color line had appeared as usual between the two parties. At the end of the legislative session of 1870-1871 party issues were still ill defined. The debt and railroad controversies of that session had not been strictly along party lines. Party platforms had been conciliatory and not clear cut. There were factions in both parties over the recent legislation and on account of strife between the carpetbaggers, supported by the negroes, and their allies, the scalawags, over the giving of Federal patronage.¹⁰ But the Conservatives re-organized the party in their convention of August 30, 1871. The old ante-bellum leaders, who had been barred from politics, now made their presence felt. In the words of Professor Pearson, this marked "the beginning of a Confederate reaction against the compromising idea that had prevailed for two years." It should be noted, however, that six negro members from Richmond were given a hearty welcome at this convention and Governor Walker was invited to be present. About a month later, the Republican convention formulated a platform in which the Conservative party was severely arraigned. The Funding Act, which had received the votes of their own delegates when passed, received special condemnation. It was also stated in the platform that the Conservatives had not fulfilled the requirements of the new constitution in regard to the public schools and in regard to the right of negroes to sit on juries.

In the November election which followed, the Conservatives increased their majority in the House of Delegates by fifteen members and in the Senate by six.¹¹ The number of negroes in

¹⁰ C. C. Pearson, *The Readjuster Movement in Virginia*, p. 38.

¹¹ In the House of Delegates there were 97 Conservatives and 35 Republicans, 14 of the latter colored; in the Senate there were 33 Conservatives and 10 Republicans, 3 of whom were colored. The *Richmond Dispatch*, November 16, 18, 1871; *Appleton's Annual Cyclopaedia*, 1871.

the House was reduced from twenty to fourteen, and in the Senate, from six to three.

In the meanwhile, the financial situation of the State was becoming very serious. The State government found it impossible to meet the obligations imposed by the Funding Act of March 1871 and defaulted in the payment of the interest on the new bonds. In March 1872, an act was passed over the Governor's veto forbidding tax collectors from receiving the coupons, already issued, in payment of taxes.¹² But the Virginia Court of Appeals, in December 1872, declared this act an impairment of the obligation of contract and therefore unconstitutional.¹³ As a result, coupons were redeemed as before. A deficit occurred in the State's revenue. On account of this the public schools suffered most heavily.¹⁴ Out of this state of affairs grew the Readjuster Movement. The new development in the debt question was looked upon with alarm by the Conservative leaders, especially those of the old school, who believed with William L. Royall, that "all of this proceeded directly from the new order of things which the introduction of the negro as a voter produced."¹⁵

The legislature of 1872-1873 did not improve the situation by acts to reduce the expenses of the government or to improve the credit of the State, though elected with that end in view. The Conservative party failed to carry the State for Horace Greely, the Liberal-Republican candidate, in the national election of 1872. In the Congressional elections of that year, Radical (Republican) candidates were elected from the four eastern and southern districts—the black districts—of the State. The remaining five were won by the Conservatives.¹⁶ The Re-

¹² Act of March 7, 1872.

¹³ *Antoni v. Wright*, 22 *Grattan*, 833.

¹⁴ For account of arrears in the appropriations for the public schools, see the Governor's Message, December 6, 1876, *House Journal and Documents*, 1876-1877.

¹⁵ W. L. Royall, *The Virginia State Debt Controversy*, p. 23. Mr. Royall was chief counsel for the bondholders during the controversy.

¹⁶ The first amendment to the Underwood Constitution was

publican success in this election greatly encouraged them and aroused the Conservatives to increased efforts in the campaign for the election of the higher State officers and members of the General Assembly.

The campaign of 1873 was one of unusual interest throughout the Commonwealth. The Radical, or Republican convention assembled in Lynchburg on July 30. About half of its members were colored.¹⁷ Robert W. Hughes, a former secessionist and a man of ability, who came from southwestern Virginia, was nominated for governor; C. P. Rumsdell, a carpetbagger from an eastern county, for lieutenant-governor; and David Fultz, an old Union man, from Augusta County, for attorney-general. Thus every faction of the party and every section of the State were represented. The platform adopted was generous, progressive and of wide appeal.

The Conservative convention, held in Richmond a few days later, August 6, was one of the largest and most enthusiastic meetings ever held by the party. Their nominations and platform, like those of the Republicans, were made with a view to harmonize contending factions and sections. General James L. Kemper from the Valley, an officer in the Mexican war and in the War of Secession, was nominated for governor; Colonel R. E. Withers of the Southwest, for lieutenant-governor; and Raleigh T. Daniel, a prominent lawyer and party leader, of Richmond, for attorney-general. Kemper owed his nomination largely to the influence of William Mahone, whom he had supported in the contest over the railroads. Withers, on the other hand, was an enemy of Mahone.¹⁸

adopted by the people at this election. The usury clause was stricken from the constitution, giving the legislature a free hand in setting the rate of interest. The constitution underwent many changes in this way. For these changes, see later codes of Virginia, and, for a convenient summary of them, see David L. Pulliam, *The Constitutional Conventions of Virginia* (Richmond, 1901) pp. 165-179.

A change in legislative representation had been made, but this had been required by the constitution.

¹⁷ Current newspapers. Appleton's *Annual Cyclopaedia*, 1873.

¹⁸ R. E. Withers, *Autobiography*.

The return of the old leaders to political life was made possible by the wholesale removal of disabilities by Congress in 1872. The same qualities that had brought these men to the front in times of war brought them to the front in political affairs, and their rank in the army made them heroes in the popular mind. The platform adopted by the convention had much in common with the platform adopted by the Radicals the previous week, but it was not quite as liberal in content and tone. A comparison was drawn between the condition of Virginia under Conservative control and that of other Southern states under Radical rule; justice to all, regardless of race or nativity, was made the aim of the party; the new system of public schools was pointed to with pride, and liberal support of public school education was advocated.¹⁹ Conservatives were advised to vote against all independent candidates.

In spite of the fortunate nominations and the progressive platforms of the two parties, the true issue of the campaign, negro control in politics, could not be concealed. The campaign was a struggle of the carpetbaggers to regain their former prominence through the aid of the negroes. The bitterness of their fight was increased by the realization that this would be, perhaps, their last one if they were defeated at that time. So sharply drawn was the line between the whites and the blacks that, as *The Nation* expressed it, it was "barely an exaggeration to say that it was a struggle of races."²⁰ The Conservatives, who had refrained from recognizing the color line in former campaigns, now frankly did so, and challenged the whites to be true to their race by supporting their party. They had tried in vain to effect some kind of compromise to

¹⁹ It may be noted in this connection that there were in Virginia 390,913 negroes over ten years of age who could not read, and 445,893 who could not write. *Report of the Superintendent of Public Instruction of Virginia*, 1871, p. 202. (According to the census of 1870 the total colored population was 512,841.)

²⁰ *The Nation*, November 6, 1873. The question was asked in an editorial in the *Richmond Dispatch*, March 4, 1873: "Shall the whites rule and take care of the negroes, or shall the negroes rule and take care of the whites?" There was no longer a compromise here.

break the solid ranks of the negroes under their Radical leaders in order to avoid the race issue in politics. There was now but one course to pursue, that of drawing the color line just as their opponents had done. The whites in the central, eastern and southern counties of the State had borne patiently the results of Reconstruction. They had in their local offices and as their representatives in the legislature their former servants—carriage drivers, butlers, shoemakers and field hands—and self-seeking white adventurers from without the State and native demagogues. Some of the negro officers were honest and capable men who exerted a good influence over their people; but even these were lacking in training and experience to represent educated white constituencies which had always possessed a genius for politics and a high standard for its officers. According to Dr. W. H. Ruffner, the State Superintendent of Public Instruction, there was in these counties “one agonizing desire; it is for *honest, enlightened, local government*, and for deliverance, not only from the actual incubus, but from the constant dread of semi-barbarous rule.”²¹ The weakening of the Republican party by the many political scandals during President Grant’s administration, and by the panic of 1873, diverted the mind of the North from Southern affairs and gave the Conservatives in Virginia more freedom from outside influence in politics. It was also at this time that there occurred the famous decisions of the Federal Supreme Court in the Slaughter House Cases, which marked a reaction in that court against the undue interference of the Federal government in the political affairs of the individual states.

During the campaign of 1873 the Radicals adjured the negroes to support their party, and reminded them that the whites, or Conservatives, had once held them in slavery and would do so again if they could control the government. In answer, the Conservatives urged the whites to be loyal to their race and to remember the crimes committed under negro local rule in the State. For example, reference was made to the ravishing of an old lady by two of Kellogg’s colored policemen, of

²¹ *State School Report*, 1873, p. 204.

which deed the *Lynchburg News* said, "It seems monstrous to suppose that any white men, having a mother, sister, wife, or daughter can march up to the polls and vote to place in power a party which connives at such outrages."²² The horrible example of Radical-negro rule that could then be seen in other Southern states afforded the white Conservatives an ample and just reason for the existence of their party.

The election resulted in the defeat of the Republicans. Kemper won with a majority of 27,239 votes out of the 214,237 cast. Withers and Daniel were also elected. In the General Assembly the Conservatives had as the result of the election 33 men in the Senate and 99 in the House of Delegates. The Republicans had 9 men in the Senate and 33 in the House. A third of the Republicans in the Senate and over a half of the Republicans in the House were colored.²³

One of the hardest things for outsiders to realize was the friendly relations that still existed between the members of the two races in Virginia outside of politics. In spite of bitterness engendered by political strife and outside interference, when blacks met whites in everyday life, the old attachment that had existed between master and servant before the war continued to exist. The negroes continued to look to the whites for protection, advice and employment; and the whites depended upon the negroes for their labor. In speaking of this in 1873, Dr. Ruffner said, "In spite of the political contests on the race line, the personal relations between the white and colored people are not only friendly, but are more free and genial than commonly exist between the corresponding classes of whites."²⁴ In his message to the General Assembly of January 1, 1874, Governor

²² *The Nation*, November 6, 1873.

²³ *Warrock-Richardson Almanac*, 1874; *Appleton's Annual Cyclopaedia*, 1873; *The Richmond Dispatch*, November 17, 1873.

During the legislative session of 1874, Colonel Robert E. Withers was chosen United States Senator. His closest opponent in the contest for the position was James P. Evans, a negro, who received 15 votes, all but one of which were colored. Virginia now had two Conservative United States senators. *Journal of the House of Delegates*, 1874, pp. 72-73.

²⁴ *The Virginia School Report*, 1873.

Kemper pointed to the fact that there was not a single discrimination in regard to race in the laws of the State, and that the Federal government had not had a single occasion to interfere in the domestic affairs of the State upon the pretext of injustice or inequality in the Virginia code of laws, or in their application and enforcement between the races. In reference to the recent defeat of the carpetbaggers, he said, "Recent events prove how futile, and how disastrous to its authors, must be any attempt to array the colored race as a political combination upon any principle of antagonism between the races. All such attempted combinations of the past are dissolved and dispersed and we are afforded a golden opportunity for settling forever the internal jealousies which have hindered our material progress, and for completing the pacification of all elements of the body politic." The Governor advocated the division of the races socially and their mutual aid along all lines of progress. He desired the moral and educational betterment of the colored people. In political affairs he was confident that the white people would lead on account of their superior numbers, wealth, political training and intelligence.²⁵

The growing strength of the Conservative party was further shown in the returns of the Congressional elections in the fall of that year, 1874. With the exception of one representative, William H. H. Stowell, administration candidate from the Fourth District, all the representatives elected were Conservatives.²⁶

²⁵ *Journal and Documents of the House of Delegates*, 1874, pp. 10-11.

²⁶ Excitement ran high during political campaigns. John Goode defeated James H. Platt of Vermont in a warmly contested election for a seat in Congress from the district in which Norfolk city is located. Platt had made himself exceedingly obnoxious to the white people of the district and Goode gives the following account of the reception that he received upon his victory over Platt:

"The city was brilliantly illuminated and nearly the entire population turned out to meet me at the station, and with a torchlight procession escorted me to my house."

In this district the negroes nominated as candidates one of their number, Robert Norton, in a mass meeting at Yorktown. John Goode, *Recollections of a Lifetime*, pp. 107 ff.

After the defeat of the Radicals at the polls the Conservatives, under the guidance of their old leaders, proceeded with the undoing of Reconstruction in the State. Resolutions had already been adopted by the previous Assembly to amend the article in the Underwood Constitution relating to county organization.²⁷ These resolutions were now finally adopted. The amendments, therein, provided for the abolition of a third of the local officers of the State and for changing the name "township" (which was a constant reminder of Reconstruction adventurers that had introduced the township system in the Commonwealth) to "magisterial district," the old name. This amendment was submitted to the people in the fall of 1874 and was ratified by a good majority.²⁸

During the session of 1874-1875 the legislature, acting upon the Governor's advice, again laid violent hands upon the Underwood Constitution, and the reaction against Reconstruction

²⁷ *Acts of Assembly, 1872-1873*, p. 274; *Journal and Documents of the House of Delegates, 1874*, pp. 20-24.

²⁸ Governor Kemper was not satisfied with the amendment because it was not drastic enough, and strongly advocated further amendments. "That instrument," he said, referring to the Underwood Constitution, "imposes upon the impoverished and sparse population of Virginia a frame-work of State and local government so complicated and costly that it must of necessity be oppressive in any but a densely settled state. After Virginia had been stripped of a third of her territory and more than half of her material values—when the legislature should have been reduced in numbers one-half, and the government conformed to the diminished size and resources of the State—the legislative department was made relatively large, its sessions twice as frequent, and the whole machinery of the government more expensive than when the State was powerful, rich and prosperous. The Constitution is full of details which belong only to the domain of ordinary legislation. It puts unusual and meddlesome restrictions upon the legislative power, which cripple the government in its efforts to equalize the burdens of taxation, and to restore the State credit. It contains provisions and allusions touching our past history which are irritating and offensive to a majority of the people." Furthermore, he said, it had abolished the "ancient, honest and manly mode of voting by the living voice," and had substituted the secret ballot, a source of fraud, dissimulation and falsehood. *Journal and Documents of the House of Delegates, 1874*, pp. 482-484.

went on apace. Two sets of amendments were adopted for submission to popular vote. The first of these dealt with that part of the constitution relating to the elective franchise and qualifications for office; the second had to do with the article relating to the legislative department. To the former disqualifications from voting—insanity, bribery at elections, embezzlement of public funds, duelling (or aiding in a duel), treason and felony—was added petit larceny. This was the first time that discrimination had been made against the negroes through legislation striking at their peculiar characteristics. The following oath, that had been required of “every person offering or applying to register,” was stricken from the constitution:

“I ———— do solemnly swear (or affirm) that I am not disqualified from exercising the right of suffrage by the Constitution framed by the Convention which assembled in the city of Richmond, on the third of December, eighteen hundred and sixty-seven, and that I will support and defend the same to the best of my ability.”²⁹

Thus an unhappy reminder of the past was removed and the ground was cleared of this obstacle to tender consciences in the future.

By the second group of amendments, adopted at this time, the number of members of the House of Delegates was reduced from 132 to not over 100; the General Assembly would meet biennially instead of annually; power was given the General Assembly to provide for the government of cities and towns, and to establish such courts therein as might be necessary for the administration of justice; the General Assembly was given the power to remove disabilities incurred by aiding or participating in duelling; and finally, the former custom of requiring the payment of a poll tax as a requisite for voting was revived.³⁰

²⁹ *Acts of Assembly, 1874-1875*, p. 399, ch. 313. Submitted to the people by act of the General Assembly, *Acts 1875-1876*, p. 82, ch. 87; p. 87, ch. 88. These amendments were ratified by a large majority. Even at this date Federal troops were used at the polls in Petersburg.

³⁰ This tax requirement did not prove satisfactory as there was no provision made for a set time for the payment of this tax before

Although the poll tax requirement as a requisite for voting was aimed chiefly at the negro,³¹ who it was believed would not pay his poll tax, the fiscal need for the law was largely responsible for its existence. The change in the constitution was strongly urged by Governor Walker at the beginning of his administration on this account. In 1873, Dr. Ruffner advocated the payment of a two dollar poll tax as a requisite for voting in order to provide money for the public schools. He reminded the people of the fact that it was the custom in Virginia before 1867 to require tax receipts of those desiring to vote and cited this as "evidence, that this movement (for the poll tax requirement) is not aimed at the rights and privileges of any particular color or condition."³²

the elections. It was consequently often paid at the last moment for the voter. Fraud resulted, and much money was needed by each party for the purchasing of votes. Furthermore, some of the poorer whites were disfranchised thereby. When the Readjuster party came into power in 1880 the legislature proposed an amendment to abolish that part of the constitution. The amendment, according to law, had to be passed by a second session of the legislature. It was approved a second time and was ratified by the people in 1882. There was no change in the suffrage after this until 1902. J. A. C. Chandler, *The History of Suffrage in Virginia*, Johns Hopkins University Studies, 19th Series.

For the acts relating to these amendments, see *Acts of Assembly*, 1874-1875, p. 399, ch. 313. Submitted to the people by the act of Assembly 1875-1876, p. 82, ch. 87; p. 87, ch. 88.

The amendment relating to duelling was made in behalf of some of the old leaders who had participated in duelling. Duelling existed in Virginia until about 1880 in spite of the better judgment and the disapproval not only of the people in general but also of those who participated in them. For an interesting account of the last and most famous of the post-bellum duels fought in Virginia and of the attitude of one who figured prominently in these affairs and in Virginia politics of the period, see W. L. Royall, *Some Reminiscences*, pp. 64-100.

³¹ The *Richmond Dispatch*, February 28, 1880.

³² He said furthermore that the restrictions on the franchise that existed in some parts of New England at that time were much more severe. In Connecticut, for example, no man could vote who could

The change in the constitution which placed the form of government for the respective cities in the hands of the legislature was one of the most important adopted at this time. This, like several other contemporaneous changes, was designed to deliver the local governments of the black belt out of the hands of the negroes and their leaders.

It was at this time that disillusionment first came to the negroes in regard to their white allies, the Radical-Republicans from abroad. Upon the failure to receive the Federal support which they had so earnestly prayed for, the more aspiring and capable carpetbaggers had sought other occupations or more propitious fields for their political activity; some had joined the Conservative ranks. But the less capable of these unwelcome invaders still lingered in the black counties, courting favor with the colored people in order to win an office here and there. These men, had, by their familiarity with the colored people and by their lack of real sympathy and regard for them, brought upon themselves the contempt of the negroes, who after all still prided themselves on their friendship with the "quality." Financial troubles had diverted the attention of the people of the North from their former wards at the South. The negroes now began to realize that they were not only forsaken by their former political allies but also that the whites were no longer in the mood to compromise in political affairs.

The colored voters gave vent to their dissatisfaction in a state convention held at Richmond on August 20, 1875. The meeting was called for the purpose of preserving the rights of the colored people and of securing redress for the wrongs which they claimed to have received at the hands of the local authorities and at the hands of the Republican leaders in Richmond and Washington. There were many delegates present from all parts of the State. Like former Radical gatherings of this kind, it was characterized by much speaking, excitement and confusion. Resolutions were adopted as follows:

not read; and in Massachusetts the ability to read and write was required of voters. *Annual Report of the Superintendent of Public Instruction of Virginia, 1873.*

"Believing in a republican form of government such as emanated from the reversionary right of all power, that it should not or would not be deemed improper or impertinent for us, who represent nine-tenths of the Republican voters of Virginia, to state candidly and earnestly some of our grievances, which we have borne patiently as a party and as a class, and to call the attention of the Administration thereto and ask, respectfully but firmly, that they be noticed, and, as far as is in the power of the Administration, that they be rectified, and the party relieved of unnecessary burdens, harmonized, inspired anew and prepared to run in the next presidential race and gloriously and triumphantly win: and whereas we deem it essential to this end that the party in the State should control its own internal economy without the interference in our local politics of political stock-brokers and speculators to dictate Federal appointments over the head of our own State Committee, and to keep them there against our respectful protests and petitions: therefore—

"*Resolved*, That while we reiterate unflinching fidelity to the principles of the Republican party and, per consequence, fealty to the Administration, we again respectfully ask and think it right for the Administration to stretch out its hand and save us and the organization as it exists, and which we acknowledge, by recognizing such organization as the supreme power of the party, and listen to their behests rather than to those interested individuals, whether they live here, in Massachusetts, or any other portion of the land.

"*Resolved*, That we look with the utmost anxiety and alarm at the condition of disorganization and disaffection existing in the party in the State, caused by the appointment of a number of Federal office-holders all over the State, many instances of which occur to us who are pronounced Democrats, who would blush Judas-like were Republican sentiments imputed to them, and of others who are an incubus to the party and are preparing the way for a precipitate desertion into the Democratic lines in case the late lamented Confederacy shall succeed in establishing its power and supremacy again in 1876."³³

The proposed amendment of the constitution making petty larceny a cause of disfranchisement was discussed by members of the convention and denounced as an unjust discrimination against their race. Resolutions were adopted denouncing it.³⁴

One delegate said, "It is hard that a poor negro cannot take a few chickens without losing his right to vote."

³³ *Appleton's Annual Cyclopaedia*, 1875.

³⁴ See contemporary newspapers, the *Richmond Dispatch*, *Whig* and *Examiner*; *Appleton's Annual Cyclopaedia*, 1875.

The effects of the end of carpetbag rule and of the operation of the new legislation undoing Reconstruction may be seen in the results of the elections of 1877 and 1878. As the result of the former elections the number of Republican members of the House of Delegates was reduced from twenty-two to nine. There were only seven negroes left in the legislature. The representatives elected to Congress in 1878 were Conservatives with the exception of one Republican from the Fourth District. Now that the Conservative party was no longer held together by the race question and that the Republican party had become practically a negro organization, the number of independent members of the House of Delegates had increased from six to twenty-three.

The negroes, who had been "noisy and jubilant" over Hayes's election in the national contest of 1876,³⁵ did not realize that this election meant a compromise between the North and the South, nor did they suspect that it marked the beginning of a deadlock between the great political parties which was to exist from 1875 to 1879, and which was to prevent all interference in Southern affairs by the national government. Furthermore there were many in both sections who had begun to say, in the words of an eminent Southerner, "I am tired of this turmoil and distrust. I want a country I can love."³⁶

After the elimination of the carpetbaggers and the undoing of a large part of their work in the early seventies, the race question in politics had become of little importance until the debt controversy gave origin to the Readjuster party in 1879. The recrudescence of the race question has occurred in Virginia politics only in times of political stress, when the negro vote has been necessary to keep a certain element in power. Just as the carpetbaggers had thus won supremacy for a short time during Reconstruction, and had made the race question a political issue during the several years that followed in order to regain their

³⁵ Alderman and Gordon, *J. L. M. Curry, A Biography*, p. 235.

³⁶ *Ibid.*, p. 235. See also p. 238. Hayes offered Curry a place in his cabinet and even considered giving General Joseph E. Johnston a place there.

supremacy, so General William Mahone—taking advantage of the debt problem—built up a powerful political machine with the aid of the negro votes, dominated State politics from 1879 to 1883 and, after his defeat, continued to make the race question a campaign issue for several years longer with the hope of regaining power.

The Readjuster Movement in Virginia grew out of the inability of the people of Virginia in their crippled financial condition to construct a satisfactory policy in regard to the State debt. The history of this movement is one of great interest and importance, not only as a chapter in Virginia history during a critical period but also as an account of a reaction against the ancient order of things, which occurred between 1876 and 1900.

This reaction, which we are about to study, resembled Reconstruction in its radical tendencies, its type of leaders and their use of the negro vote to further their ends. And just as the drawing of the color line during Reconstruction brought a reaction against the negroes in the Southern States, which showed itself in election frauds, intimidation and, finally, amendments to the state constitutions, so this second movement brought its reaction in the form of a new type of politicians in the South—the anti-negro politicians—and forced the adoption of new state constitutions around the year 1900.

CHAPTER VIII.

THE READJUSTER MOVEMENT IN VIRGINIA, 1879-1883.

It is not in the scope of this paper to give a detailed account of the Readjuster movement in Virginia.¹ But since the success of the Readjusters was obtained with the aid of the solid negro vote, it is not out of place here to give briefly the history and results of the movement.

The issue of the State debt had not been squarely faced before 1879. The Funding Act of March 1871 was unsatisfactory to all factions. The attempt to prevent the payment of interest coupons into the treasury had failed. As a consequence they continued to be received and the State could not meet its obligations to its public schools and its creditors. Governor Walker had taken entirely too hopeful a view of the financial condition of the State and of its ability to meet promptly its obligations. The creditors and the world at large had been given reason to believe from the official statements of the Governor that the resources of the State, which had suffered four years as a battle field, had been but little diminished. He had said that if the lands of the Commonwealth were fairly assessed there would be enough revenue, without increasing the rate of taxation, to pay the interest on the public debt and to defray the current expenses of the State government. After such official statements it was only natural that those who were not in the position to know the real state of affairs in Virginia should have looked upon the defalcation of the payment of interest on the bonds of the State and the attempts to defeat the purpose of the Funding Act as bad faith on the part of the people of Virginia. As a consequence British financiers were not only refusing to loan money in the State but were in some cases

¹ For a full account of the period, see C. C. Pearson, *The Readjuster Movement in Virginia*.

advising others to do the same. Thus further financial distress was caused.²

Governor Walker's cheerful estimate of the resources of Virginia were, unfortunately, not founded upon sufficient evidence, and proved to be highly exaggerated. To outward appearances the scars of war were to some extent healed. Farm buildings, implements, fences and other property that had been taken away or destroyed by contending armies were being replaced. But the increase in such property was balanced by the capital borrowed for procuring it. The prosperity of Virginia, whose population was almost entirely rural, depended upon its agriculture. The national census of 1870 shows that the number of acres in cultivation within the limits of the present State of Virginia was less by over two millions in 1870 than in 1860, that the number of pounds of tobacco had been reduced two-thirds, and that the number of bushels of corn and wheat had been reduced to about half. Of twenty-four and a half million acres of land in the State only about eight million one hundred thousand were improved farm land. This productive portion had to bear the burden of taxation for the entire State. Added to the loss of men and capital during the war, there had been since its close bad seasons for crops and a lack of dependable labor. The labor system had become completely disorganized and demoralized. The negroes were still enjoying the novelty of their new estate and could not be depended upon to remain at work. On the average they were producing little besides food

² *The Nation*, November 1, 1874; *Journal and Documents of the House of Delegates*, 1874-1875, Document No. 1.

In his message of March 27, 1874 to the legislature, Governor Kemper said, "The State credit is prostrate. The best bonds of Virginia rate lower in the Stock Exchange of London than those of Egypt, Turkey or Peru, and our credit ranks in the grade of such countries as Mexico and San Domingo. No grosser fallacy can be conceived than the one which claims that a commonwealth can flourish while its credit is in a state of prostration or dishonor."

Capital was badly needed to develop the resources of the State. *Journal of the House of Delegates*, 1874, pp. 348-349.

and clothing for themselves, and there was no other labor to be had in a large section of the State.³

The statement of Governor Walker that the state assessment of property was too low was erroneous. The national valuation of all property, real and personal, in Virginia in 1870, was \$409,588,133. The state valuation of the same property was \$336,686,433.23 or 82 per cent of the national assessment. In the United States as a whole the national valuation of that year was 32 per cent higher than the state valuations; and in the six New England states together with New York and Pennsylvania, a contiguous group of prosperous states, the aggregate valuation of the respective state assessments was only 42 per cent of the aggregate Federal valuation in those states. This was evidence of the fact that the state assessment in Virginia was relatively very high.⁴ Virginia was at a lower ebb economically in 1875 than in the hopeful year just after peace was made in 1865. The decrease in realty values had occurred in all the counties of the State except in seventeen or eighteen, mostly white counties of the Southwest; and in a large part of the black belt they decreased over twenty-five per cent.⁵

The State's revenue for the fiscal year ending September 30, 1873, excluding the cost of collection, amounted to \$2,421,945.41. During the year there was collected from the people in local taxes, excluding the cost of collection, \$2,217,538.49. Thus there was a net aggregate of \$4,639,483.90 paid yearly (this being an average paid) in taxes by the people. Large amounts collected as corporation and Federal taxes were not included in this sum.⁶

Payment in full that year of the interest on the State debt as-

³ *Journal and Documents of the House of Delegates, 1874-1875*, p. 16; *Ibid.*, Document No. 1; P. A. Bruce, *The Plantation Negro as a Freedman*, chs. XII, XIII, XIV; contemporary accounts in newspapers and personal reminiscences.

⁴ *Journal and Documents of the House of Delegates, 1874-1875*, Document No. 1.

⁵ C. C. Pearson, *The Readjuster Movement in Virginia*, map opposite page 66.

⁶ *Journal and Document of the House of Delegates, 1874*, p. 346 ff.

sumed by the Funding Act would have necessitated the increase in the State and local taxes (exclusive of corporation and Federal taxes) to \$5,964,425.77 because the revenues for that fiscal year had fallen \$1,324,941.87 short of the necessary amount for the support of the government and the payment of this interest.⁷

In his inaugural address of January 1, 1874, Governor Kemper voiced the sentiments of the conservative white people of the State when he said, "Obligations to public creditors, binding the honor and good faith of the Commonwealth, should be fulfilled to the utmost of her ability in any event and under all circumstances. No other calamity could inflict greater detriment, either moral or pecuniary, upon the whole body of the people than a deliberate breach of public honor." He recommended the taxation of such subjects as had been exempted in the past, strict economy and the elimination of all unnecessary offices. He hoped that by these means Virginia could meet her obligations without further increase in the existing taxes.

⁷ State Collections and Disbursements in Virginia, 1869-1877:

Year	Total State revenue	Ordinary expenses of government	Extraordinary expenses of government	Paid from State treasury for public schools	Paid on interest on debt	Total-disbursements
1869-'70 ...	\$1,487,353.84	\$1,041,682.22	\$ 17,933.60		\$ 346,034.86	\$1,405,650.68
1870-'71 ...	2,732,456.75	1,243,682.66	129,548.05	\$382,000.00	99,980.05	1,855,210.76
1871-'72 ...	2,160,598.36	1,098,808.83	40,026.83	385,994.26	639,114.65	2,163,944.57
1872-'73 ...	2,421,945.41	1,082,536.00	13,885.54	375,000.00	1,290,758.79	2,762,180.32
1873-'74 ...	2,578,938.25	1,057,975.14	55,407.52	345,000.00	1,691,191.96	3,149,574.66
1874-'75 ...	2,647,790.05	980,450.89	28,177.65	423,000.00	1,417,345.41	2,848,973.99
1875-'76 ...	2,679,339.66	975,282.85	138,432.83	443,000.00	1,105,305.88	2,662,021.56
1876-'77 ...	2,505,387.17	967,393.42	92,252.52	326,266.46	1,062,110.17	2,448,022.57

**Journal and Documents of the House of Delegates*, 1874-1875, Document No. 1, p. 24; *Senate Journal and Documents*, 1875-1876, p. 15.

†*Senate Journal and Documents*, 1875-1876, p. 15.

‡*House Journal and Documents*, 1876-1877, p. 11.

||*Ibid.*, 1877-1878, p. 12.

These measures, however, could be taken, for the most part only by amending the constitution—a process requiring at least two years. And there was need of immediate relief. Further direct taxes on real and personal property would mean, at this time, the virtual confiscation of private property. Some other remedy was necessary. In a message to the legislature in March, 1874, Governor Kemper said, "Our relief is in the restoration of confidence and understanding between the State and her creditors; in such a settlement of the public indebtedness as will restore respect in our good faith, as will command the assent of creditors and secure to them the regular payment of the utmost interest we are now able to pay, only postponing such part of our undertaking as our poverty renders impossible of performance for the present. It is certainly in our power, if we now enact a just and efficient system of taxation, and prudently husband our resources, to pay, henceforward, four per centum per annum on the entire debt intended to be assumed by the Funding Act. It is believed that an understanding can be had with creditors by which we might guarantee with certainty the regular and punctual payment, in semi-annual installments and at convenient places, of two-thirds of the accruing interest for the present, giving proper certificates for the deferred interest and providing for the full interest, together with all arrearages on interest account, as soon as our steadily increasing resources shall permit."⁸

In order to compromise with the creditors, and thereby effect an honorable settlement of the debt question, the Governor and Treasurer of the State, with the approval of the legislature, called a meeting of the home and foreign bondholders in Richmond in November, 1874. The meeting bore no immediate fruit in legislation, but the bondholders were made to realize the real financial condition of the State, which they had never realized before. Hugh McCulloch was a representative of the foreign bondholders at the meeting; and it was due, doubtless, to his influence that these bondholders were afterwards less severe in their criticism of Virginia's attitude towards them.

⁸ *Journal and Documents of the House of Delegates*, 1874, p. 348.

The elections of 1877 brought into the legislature twenty-two independents. The elimination of the Republican party as a considerable factor in State politics, the subsequent relief from the race question for a time, the grange movements, and the State debt, divided the voters of the State into numerous factions. But most of the independents and not a few of the others were followers of Mahone and advocated his plans of "readjustment," or partial repudiation of the interest on the State debt. Mahone had proved a failure in the extensive railroad interests which he controlled. He had also failed by a small margin to receive the nomination for governor in the Democratic convention of 1877. He therefore seized upon the idea of readjustment as a means of bringing himself into power. The general feeling of discontent, the looseness in party lines, the bad economic condition of the State, and the certainty of gaining the entire negro vote if he opposed the conservative whites made the time propitious for his plot. Furthermore he now had a large following in the General Assembly. The election of Colonel F. W. M. Holliday, an able and staunch "debt-payer," however, neutralized Mahone's power in the legislature since the Readjuster vote was not strong enough to override the executive veto.⁹ Consequently the legislature spent two years of its existence in a hopeless contest with the Governor over the debt problem. At the end of its second session, however, the contest ended by the passage of the McCulloch bill with the approval of Governor Holliday.¹⁰ This bill offered the creditors new bonds with tax receivable coupons and bearing three per cent interest for ten years, four per cent interest for twenty years and five per cent interest for ten years. The bonds were free from taxation. Under the terms offered with these bonds it was provided that Virginia be re-

⁹ Governor Holliday received his education at Yale College and at the University of Virginia. He was a gentleman of the old school, well read and well traveled. His record in the Confederate Army was good, and only the loss of an arm prevented him from receiving a higher commission.

¹⁰The bill was named for Hugh McCulloch, who was largely responsible for its existence.

leased definitely from its obligation for West Virginia's third of the debt.

The new funding scheme was supported by the Council of Foreign Bondholders of London, and by prominent New York bankers. Public opinion at home and abroad favored it, and the support of the bondholders, which was necessary for its success, seemed assured. The success of the bill depended upon the ability of the State to meet the interest payments fully and promptly. This was difficult but not impossible from the point of view of the debt-payers. So difficult was the task ahead for the State, which was in a most deplorable condition financially, that Mahone and Massey, the Readjuster leaders, found some very capable and honest supporters. But the leading classes supported the McCulloch Act.¹¹ This act not only afforded the creditors a satisfactory adjustment of the debt, but also afforded the State a relief from its worst fiscal burdens until it was to grow strong enough to bear them. It became a law on March 28, 1879, in spite of the opposition of Mahone and his followers.

Soon after the elections of 1877 Mahone had begun to organize a party to force "readjustment" upon the State. Since the Funding Act of March 1871 had been upheld by the highest State court, and all attempts to prevent the execution of the law declared unconstitutional, the only resource left to Mahone for defeating the act was to fill the offices of all departments of the State with his followers, who would stop at nothing to render the coupons useless as tax-paying instruments. With this end in view Mahone called a convention which met at Richmond in Mozart Hall, February 25 and 26, 1879. All parts of the State were represented. There were present men of every political complexion—liberal Conservatives, Republicans, Greenbackers and independents of various kinds. The negroes had played very little part so far in the movement. There were only a few in the convention, those from Halifax and New Kent counties. Although no positive constructive policy in regard to the debt was proposed by the convention, there was a

¹¹ *House Journal and Documents*, 1878-1879, p. 10.

great deal said on the subject during the two days of the meeting. The Governor and the courts were accused of having betrayed "the people" into the hands of brokers and bondholders. There was much talk of the rights of "the people" and the iniquity of the "rings." Mahone advocated a further lowering of the interest on the debt. Finally the convention adopted a platform and an address to the people which enunciated the articles of faith of the Readjuster party, which was being formed. They were in substance as follows: That the McCulloch Act was drawn up in behalf of the brokers and perpetuated the most objectionable features of the Funding Act and added others; that Virginia should disown all responsibility for West Virginia's third of the debt; that "in any settlement with the State's creditors, the annual interest of the recognized indebtedness must be brought within her revenues under the present rate of taxation; that "the capacity of these revenues must be determined by deducting therefrom the necessary expenses of the government, the apportionment to schools, and reasonable appropriations for the support of the charitable institutions of the State;" that any settlement, to be final, must rest "upon the sovereignty of the State;" that no settlement could be made except by the will of the people of the State and subject to the alteration of the legislature at any time; that "the rate of taxation is as high as can be borne, and, instead of entering into any understanding that may necessitate an increase of taxation, a diminution in public burdens should be provided for."

The intentions of the Readjusters were here made plain. A large part of the interest upon the State debt was to be repudiated, in spite of former contracts with the bondholders and the decisions of the courts on the subject. It was claimed that the State was bankrupt and could not do otherwise. A party organization was formed with General Mahone as chairman of the State executive committee and therefore head of the party.¹² The leaders of this new party were mostly self-made men.

¹² For proceedings of this convention, see the *Richmond Whig* and the *Richmond Dispatch* of February 26 and 27, 1879.

Some of them were honest in their convictions that circumstances justified readjustment, others were more careful of their own material welfare and political advancement than for a nice observance of ethical principles. Of such as these latter was William Mahone. There were some members of the old aristocracy among the Readjusters, but they were few. Among these were James Barbour, William E. Cameron (editor and the mayor of Petersburg) and John S. Wise.

Next to Mahone in power and the most interesting figure in the Readjuster party was John E. Massey, then of Albemarle county. "Parson" Massey (as he was called) was, like Mahone, a self-made man. He had been, respectively, teacher, lawyer, preacher and farmer. He had been a Conservative in politics but was led to advocate readjustment through the belief that the Funding Act was unjust and that the people were not receiving fair treatment at the hands of those in power at Richmond. Just as Mahone was the master organizer and intriguer of the movement, so Massey was the campaigner *par excellence*. Possessed of a reputation for piety, a knowledge of human nature, a cheerful countenance, fluency and a ready wit, he went about the State speaking from the platform on week days and from the pulpit on Sundays. His readiness at repartee was more effective than logic in discomfiting his opponents, and was especially effective among the unlettered whites and negroes.¹³

Among the leading Funders (the opponents of the Readjusters) were Governor Holliday; John Randolph Tucker, founder of the law school of Washington and Lee University and for a long time professor there; John W. Daniel, later United States senator and long prominent in Virginia politics; General W. C. Wickham, a prominent business man and a conservative Republican; and J. I. M. Curry, a professor in Richmond College and later ambassador to Madrid. The Funders had the support of the Richmond papers, with the exception of the *Whig*, which was under Mahone's control. Furthermore they repre-

¹³ The *Autobiography of John E. Massey*.

sented the great mass of the respectable and intelligent whites of the State.

The campaign of 1879 was vigorously conducted on both sides.¹⁴ Neither party bid for the colored votes at first, and the race question was shunned. In September, however, Massey made a speech in Petersburg in which he intimated that negroes would be welcomed as Readjusters. The Readjusters spread the rumor among the negroes that the Funders wished to increase their burdens, and that their own party would give them more rights. Churches and societies were made use of to spread the rumor and to win the colored vote for the party.¹⁵

The Funders now tried to divide the colored vote through some of the negro leaders. They hired negro speakers, established clubs among the colored people, ran Republican candidates to split the Readjuster vote and in six counties at least they voted for these candidates, two of whom were negroes. But these efforts did not succeed. The negroes remained under the control of their old leaders, who were now on the side of the Readjusters, and voted against the majority of the whites just as they had always done.¹⁶ The campaign ended amid great excitement. The Readjusters with the aid of their colored allies won both houses of the legislature. They elected fifty-six out of one hundred delegates, eleven of whom were negroes; and they elected a majority of Readjuster senators, two of whom were negroes.¹⁷

The most absorbing topic before the newly-elected General Assembly was, of course, the State debt. With a majority in both houses of the legislature, the Readjusters passed a bill known as the Riddleberger Bill,¹⁸ which embodied the plan of

¹⁴ For the Democratic platform, see the *Richmond State*, August 8, 1879.

¹⁵ C. C. Pearson, *The Readjuster Movement in Virginia*, p. 123.

¹⁶ W. L. Royall, *Virginia State Debt Controversy*, pp. 27-37.

¹⁷ The *Richmond Dispatch*, November 14, 1879; The *Warrock-Richardson Almanac*, 1879; *Appleton's Annual Cyclopaedia*, 1879.

¹⁸ The *Nation* (March 4, 1880, xxx, 166) makes the following comment on the passage of this bill: "Under the lead of a popular but unscrupulous demagogue they [the Readjusters] made a dash for the

settlement that became the central feature of the debt controversy from this time until its final settlement. It was vetoed by the Governor as a violation of the constitution of the United States, of the constitution of Virginia and of "the spirit which has ever moved and inspired the traditions of the Commonwealth." Since legislation of this kind was unable to escape Governor Holliday's veto, the Readjusters had to content themselves with filling the State offices with their men, and with improving their party machinery in order to insure the election of a Readjuster governor in 1881.

The appointment of county judges in the hundred counties of the State fell to this legislature. There were comparatively few reputable lawyers in the Readjuster party. Consequently, in order to get men who would be true to the party, many incompetent and unscrupulous men were chosen. As a rule the new appointees did not bring credit upon their party and in many cases caused much scandal. To make way for these new men the supreme court judges and about three-fourths of the county and corporation judges were removed. This tampering with the judiciary, which was traditionally the most honored and incorruptible part of the State government, marks the beginning of the reaction against Mahone which led to his downfall.¹⁹

The wholesale removal of officers did not end here. Boards of directors of the State asylums and educational institutions were removed and their places filled with Readjusters. In like manner the county and city superintendents of schools, and

control of the State government, one of the chief railway lines of the State, and, the United States Senatorship; finding 'readjustment' a popular means to these ends, they used it with great success. * * * The fact that most of the Republicans voted with the repudiators, however, is a really discouraging thing. It contradicts the inference, drawn by every one at the time of the election, that the color line was broken; and they appear to have got nothing of any account in exchange for their adherence to what is probably as disreputable an organization as now exists in this country."

¹⁹ The *Autobiography of John E. Massey*, pp. 216-217; W. L. Royall, *State Debt Controversy*, ch. 5.

even the State superintendent of education, Dr. Ruffner, were made to give place to men from the party in power. Dr. Ruffner was replaced by a man lacking both in mental and moral fitness for the position in which he was placed.²⁰

The Readjusters claimed that this ruthless use of the spoils system was necessary to rid the government of inefficient "Bourbons" and to let "the people" have more say in the government. But the appointments made in no wise justified the removals. Mahone was elected to the United States Senate and took his seat at the time of the special session beginning March 4, 1881. Two years later, H. H. Riddleberger, another prominent Readjuster, was elected as his colleague. They served until 1887 and 1889, respectively.

The Readjuster party had organized as a faction of the Democratic party, and Mahone had denied emphatically that he had any agreement or sympathy with the Republican party. Had Mahone and his associates declared themselves Republican sympathisers at first they would have lost the support of that part of the native white people that followed them. No white Virginian of either faction was in the mood to join their common enemy. The memory of the evil influence of the Republican party in Virginia affairs in the past could not be forgotten; and now while they were combating the evils done by that party, the Republican politicians and newspapers at the North were prodding the South with harsh criticisms and pious advice which could not veil the sectionalism and partizanship back of it all.²¹

²⁰ C. C. Pearson, the *Readjuster Movement in Virginia*, p. 148; *Autobiography of John E. Massey*, p. 204.

²¹ The following editorial from the *New York Times* of January 5, 1880, is not an extreme example of this sort of thing:

"The old slave masters must domineer and tyrannize; they must keep the colored man in subjection and misery; they must raise a barrier of intolerance against enlightened ideas, and fight against the incursion of those who would work for free institutions. * * * But one great change they must recognize. They can never again tyrannize over the nation. * * * The civilization of the South is of the past. * * * It must go down, and the sooner, the better for the South and the better for the nation."

In the fall of 1879 Mahone secretly promised the Republican leaders the support of his party in the presidential elections of the following year. In order to do this and at the same time keep his Democratic followers in line for the State elections of 1881, Mahone induced his party convention to reject the proffer of the Funder Democrats to coalesce in national politics on an equal footing, and to present thereby a solid front for Hancock and English. As a result both Funders and Readjusters nominated electors for the Democratic candidates although only the Funder Democrats were recognized by the national Democratic organization as the true Democratic party in Virginia. The Republicans were encouraged by this dissension in the Democratic ranks to make a vigorous campaign in the State. There were now three sets of candidates in the field. By drawing off votes from the Democratic party Mahone had accomplished his purpose of aiding the Republicans while nominally refusing to support that party.²² So cleverly had this master politician worked his plan that many Virginians continued to believe that he was as ardent a Democrat as he still professed to be. Circumstances, however, not only made him show his true colors but also gave him great notoriety in Congress.

When the Senate was about to organize in March 1881, by the appointment of committees, it consisted of seventy-six members. Of these thirty-seven were Republicans and thirty-seven were Democrats. Of the remaining two, Senator Davis, an Independent from Illinois, had been elected by Democratic voters and had declared that he would affiliate with their party. It was evident therefore that the vote of the Readjuster Mahone, who had been elected by Democratic voters, would decide whether there would be a Democratic or a Republican organization, since the Republican president of the Senate could cast a deciding vote in case of a tie. General Mahone, now forced to take sides openly, cast in his fortune with the Republicans as he had already secretly bargained to do as early as the fall of 1879. Riddleberger followed his example in 1883. These men

²² W. L. Royall, *State Debt Controversy*, ch. iv; Appleton's *Annual Cyclopaedia*, 1880.

were quite willing to exchange their votes for special favors at the hands of the party. They were only used as pawns by the Republicans and received consideration only so long as their votes were of special value to the party. So engrossed were they in political affairs in Virginia that they took little interest in national politics except to cast the deciding vote for the Republicans when called upon to do so.

Mahone's position in the Senate gave him prestige and complete control over Federal appointments in Virginia. He was also in a position now to obtain campaign funds in the North. He used his increased prestige and power to strengthen his party and his own position in that party. The Readjuster party was rapidly changing into Mahone's party. By working quietly through his confederates, Mahone laid his plans to further increase his power. In the fall of 1881 he had the following pledge sent to each of the candidates for the legislature for his signature:

"I hereby pledge myself to stand by the Readjuster party and platform, and to go into caucus with the Readjuster members of the legislature, and to vote for all measures, nominees and candidates to be elected by the legislature that meets in Richmond, as the caucus may agree upon.

"Given under my hand and seal this day of September, A. D. 1881."²³

Judge Lybrook received one of these documents enclosed with the following letter from Fernald, the collector of internal revenue at Danville, Va.:

"U. S. Internal Revenue Office,
Danville, Va., Sept. 14, 1881.

Dear Judge,—

I send you herewith two 'pledges' to sign one and have the party nominee for your county to sign the other one, and return to me, and I will forward them to Gen. Mahone, who directed me to do this.

Of course it is nothing for an honest man to do and sign his hand to his faith. Please attend to this promptly.

Fernald."

This is an illustration of Mahone's methods.

²³ Letter of Judge Lybrook's in the Richmond *Dispatch*, September 12, 1882.

Since Mahone was the political boss of the State, Readjuster candidates had little chance for election without his endorsement; and the returns that fall showed that most of the candidates that were elected had signed the pledge.

In the elections of 1881, the Readjusters chose a majority in both houses of the General Assembly and all the high State officials. The following Readjuster candidates were elected: for Governor, William E. Cameron, a Readjuster-Democrat; for Lieutenant-Governor, J. F. Lewis, a Republican; and for Attorney-General, F. S. Blair, a Greenbacker. Mahone defeated the nomination for Governor of Massey (who next to Mahone was the most powerful man in the party) because Massey would not submit to his pledges or follow him blindly.²⁴ Massey could have thwarted Mahone's schemes had he been chosen governor.

Mahone now had every reason to believe that he was supreme in Virginia politics, since he had control of his party in the State and the aid of the administration. President Garfield had given him only negative support, but he had been assassinated in July 1881, and President Arthur rendered Mahone effective aid in the fall campaign by putting an end to the independent Republican move that was threatening to separate the Republicans from the Readjusters in Virginia.²⁵ Senator Don Cameron and other supporters of the Administration also rendered Mahone and his party great aid in the campaign of 1881 by collecting funds through assessments and subscriptions to provide Mahone with funds to pay the poll taxes of the negroes in order that they might vote the Readjuster ticket.²⁶ Officeholders throughout the State were assessed by Mahone for campaign purposes.²⁷

In spite of some discontent in the Readjuster party with Mahone and his political methods, the party was held together by

²⁴ W. L. Royall, *State Debt Controversy; Autobiography of John E. Massey*.

²⁵ W. L. Royall, *State Debt Controversy*, p. 54; Appleton's *Annual Cyclopaedia*, 1881.

²⁶ T. V. Cooper, *American Politics*.

²⁷ *Autobiography of John E. Massey*, pp. 199, 206.

the fact that the debt question was still unsettled. In 1882 the Readjusters had for the first time an opportunity to readjust the State debt according to their original purpose and unhampered by the Governor's veto. Accordingly they passed two acts known as "Coupon Killers," which virtually destroyed the tax-receivable coupons of the Funding Act of 1871. These acts provided that if coupons were presented in payment of taxes, a like amount in cash had to be tendered at the same time. The coupons were then received for identification and verification by the collector, who should certify them to the corporation or county court, which should, in turn, empanel a jury to decide whether they were genuine or not. If they were declared to be genuine, the cash received from the taxpayer should be returned to him and the coupons received in the treasury in payment of taxes. The reason given in the preamble of the act for its existence was that there were many stolen and counterfeit bonds with coupons attached in circulation. But there was not sufficient evidence to show that such strenuous measures were necessary on this account.²⁸ These acts virtually destroyed the coupons by making their acceptance in payment of taxes depend upon such difficulties and expense, and the probability of their acceptance by the State was much lessened by the fact that the judges of the county and corporation courts were now for the most part Readjusters. The Readjusters were correct in believing that the remedy given the bondholders was sufficient to prevent the laws from being unconstitutional, as impairing the obligation of contract. Other "coupon killers" followed from time to time, and in spite of much litigation the scheme won out.²⁹

²⁸ Acts of January 14 and January 26, 1882. *House Journal and Documents*, 1881-1882, Documents 2 and 8; *Senate Journal and Documents*, 1881-1882, Document 15. *Antoni v. Greenhow*, 107 U. S. R. p. 792; W. L. Royall, *State Debt Controversy*. For Readjuster view, see *Autobiography of John E. Massey*, pp. 43-47. Massey originated this method of killing the coupons.

²⁹ W. L. Royall, *State Debt Controversy*, pp. 55 ff; W. L. Royall, *Some Reminiscences*. Royall was attorney for the bondholders in their fight over these Readjuster acts.

After the passage of the first two "coupon killers," the legislature of 1882 passed, with some qualifications, the Riddleberger Bill, which had been vetoed by Governor Holliday two years previously.³⁰ This statute placed the new principal of the State debt at \$21,035,377.15, which was to bear interest at three per cent. Under this arrangement the annual interest was reduced over fifty per cent and the principal was scaled about ten million dollars. The bonds issued under this act were known as "Riddlebergers." The bonds and coupons were not exempt from taxation, nor were the coupons tax-receivable. Interest on the bonds was to be paid out of any money not otherwise appropriated.

In January 1882, Mahone and his machine leaders offered to re-elect Massey Auditor of Public Accounts, but only on condition that he submit to caucus rules. He refused to do this and was deposed accordingly by Mahone, who told Massey's friends that he had declined to accept the nomination of the Readjuster caucus.³¹ But Massey had not been buried politically, as further events proved, for now that the aims of the original Readjusters had been practically accomplished, he was free to oppose Mahoneism.

There were in the General Assembly of Virginia at this time a majority of fourteen Readjusters in the House of Delegates and a majority of six in the Senate. Mahone left his place in the Senate at Washington and came to Richmond in order to formulate such laws for his caucus as would give him supreme control over State affairs. But there were in the legislature four Readjuster senators, two former Democrats and two former Republicans, who had refused to sign the Mahone caucus pledge and were therefore not bound by the caucus.³² These men, with the aid and encouragement of John E. Massey, voted with the Funders and were thereby able to defeat Mahone's

³⁰ Act of February 14, 1882, *Acts of Assembly*, 1881-1882, p. 88.

³¹ *Autobiography of John E. Massey*, ch. xviii.

³² They were Samuel H. Newberry of Bland county and Peyton G. Hale of Grayson county, Democrats; and A. M. Lybrook of Patrick county and B. F. Williams of Nottoway county, Republicans.

measures by a majority of one in the Senate. On account of the importance of the votes of these senators at this critical time they were known as the "Big Four."³³

The character of the bills introduced by the caucus and defeated by the aid of these four Readjusters indicate how greatly Virginia's welfare was menaced by Mahoneism, which was the outgrowth of Readjusterism. A bill was introduced by the caucus providing for the removal of a great many of the petty officers of the State, such as notaries public, public school trustees and commissioners of chancery, in order to make vacancies for Mahone's followers. The appointment of many of these was to be made in Richmond in order to bring them under Mahone's central control. An attempt was made to gerrymander the Congressional districts in such a manner as to increase the number of representatives in the black counties, which supported Mahone and the Republican party. Mahone's paper, the *Richmond Whig* openly asserted that should the bill, which had already passed the house by a large majority, be passed in the Senate, Virginia would send eight, instead of two, administration representatives to Washington. The *Whig* regretted that still more could not be sent and added, "But it is the best that can be done, and we are content Already we have at Washington two senators and two representatives who stand firmly and cordially by President Arthur; and under this bill, if passed by the Senate, our liberal forces will send to Washington six more supporters of the Federal administration than we now have. To intrench and further it, the present apportionment bill is avowedly framed—to elect eight congressmen out of ten who shall be committed and pledged to support President Arthur and his administration."³⁴ Another caucus bill provided for the creation of a board of railroad commissioners, to be chosen by the Governor. The board was to have complete supervisory control of the railroads and could dismiss employees at its pleasure. The purpose of this was to bring

³³ *Autobiography of John E. Massey*, ch. xix. Royall, *State Debt Controversy*.

³⁴ The *Whig*, April 10, 1882.

the railroad systems of the State with their numerous employees under Mahone's control. Another caucus measure provided that judicial sales be made only through a commissioner of sales appointed in each county by the Governor. Commissioners of sales had always been appointed by the courts as occasion demanded, and no fault had been found with that system. Furthermore a bill was introduced which provided that the commissioners thus chosen select a newspaper in each of their respective counties and cities which should have the exclusive right to publish their official notices. In this way Mahone would secure both an agent and a subsidized newspaper in each county and city of the State. These and similar bills designed to further Mahone's interests were introduced into the legislature by the Readjuster caucus and failed to pass only through the aid of the recalcitrant Big Four, whom Mahone tried in vain to seduce.³⁵

Although these measures had been defeated, the Readjusters passed at this time all the laws that they had promised their constituents in the beginning. They made laws which settled the State debt along the lines originally advocated by their party, passed acts giving the apportionment for public school purposes priority over appropriations for paying the interest on the public debt and those for other causes, repealed the provision in the constitution which made the payment of poll taxes a requisite for the franchise, and passed an act to suppress dueling. They had also defeated the "Bourbon" Funder leaders. The original purposes of the Readjuster party were therefore accomplished. The issue in the next succeeding campaign was Mahoneism. The Readjusters now became known as the Mahoneites, and the Funders, Anti-Mahoneites, with little change of personnel in either party. The most substantial element of the Readjuster party joined the Anti-Mahoneites, and the re-

³⁵ Letter of Judge Lybrook (one of the Big Four) in the *Richmond Dispatch*, September 12, 1882; B. B. Munford, "What is Mahoneism?" in the *Richmond State*, September 13, 1889; W. L. Royall, *State Debt Controversy*, 68-69; *Autobiography of John E. Massey*, chs. xix, xx, xxi; Appleton's *Annual Cyclopaedia*, 1882.

mainder of that party now consisted almost entirely of the old elements of the Radical party of former days, that is, the old alignment of Radical Republican leaders, drawn from the ranks of Northern immigrants and the less respectable native white politicians, with the solid mass of negro voters. Once more the national Republican party was allied with what was most disreputable in Virginia politics.

The new alignment in political affairs began to show itself in the Congressional elections of 1882. But the question of the constitutionality of the Coupon and Riddleberger Acts had not been finally disposed of by the Supreme Court of the United States, and the Funders were still hoping for a verdict against them. Then too, it was not an easy matter for some Readjusters to come back quickly into the party they had just bitterly opposed. However, their old leader, John E. Massey, was endorsed by the Democratic State Committee as a candidate for Congressman-at-large from Virginia. He was opposed by the Readjuster candidate, John S. Wise, and the candidate of the few straight-out Republicans in the State, Rev. John M. Dawson, colored. Wise was elected, and Readjusters were also chosen from five of the nine Congressional districts.³⁶

Mahone was once more victorious and the Conservative-Anti-Mahoneites were more than ever determined to crush him. But the Conservatives now realized that to defeat Mahone, their own organization must be strengthened and their platform further liberalized to satisfy the Readjusters who were joining their ranks.

An opportunity soon presented itself to the Conservatives to effect a compromise with the moderate Readjusters. The decision of the Supreme Court in March 1883 that the act known as "Coupon Killer No. 1" was constitutional,³⁷ sustained the Readjuster party in its debt legislation. The Funders, who had been fighting to defend the Supreme Court in its former posi-

³⁶ The First, Second, Fourth, Seventh and Ninth.

³⁷ *Antoni v. Greenhow*, 17 U. S. Reports, 769; W. L. Royall, *State Debt Controversy*, ch. vi; Appleton's *Annual Cyclopaedia*, 1883, "Obligation of Contracts."

tion on the question, could now accept gracefully the *status quo* of the difficult question as here decided and unite both Funder and Readjuster Conservatives in the attempt to defeat the corrupt rule of Mahone.

A Democratic State convention met in Lynchburg on July 25, 1883. It was well attended and very enthusiastic. Massey and other ex-Readjusters were present. The platform that was adopted advocated a number of liberal reforms, condemned Mahoneism, the bosses and the rings, and accepted the recent settlement of the debt controversy as final.³⁸ This platform successfully united the Democratic party, and a new and complete organization upon an efficient basis gave the party new life. John S. Barbour, a railroad official of great executive ability, was made chairman of the State executive committee and much power over party affairs was placed in his hands. For the first time the Conservative party assumed the name "Democratic"—an evidence of the abandonment of old issues.³⁹

But the strengthening of the Conservative-Democratic party did not necessarily mean its success. Mahone had a well organized party completely under his control. The local, State and Federal offices were for the most part in the hands of his followers, and more effective still were the solid ranks of the negro voters, who followed Mahone's men with childlike confidence and obedience. With this solid mass of voters behind him, only a few white followers were necessary to give Mahone a majority of voters in the State. They could be found among those who had been estranged from the Democratic party by the bitterness of the State debt controversy, from among the unscrupulous or ignorant whites in the black counties and from among the whites of the white counties which were not confronted with the danger of "Africanization" in local affairs.

³⁸ "The Democratic party," said the platform, "accepts as final the recent settlement of the public debt pronounced constitutional by the courts of last resort, State and Federal, and will oppose all agitation of the question or a disturbance of that settlement by appeal or otherwise." The *Richmond Dispatch*, July 27, 1883.

³⁹ The *Richmond Dispatch*, July 26, 27, 28, 1883; the *Richmond Whig*, July 25, 26, Nov. 7, 1883.

The alliance with the blacks, which was the chief element of Mahone's strength, proved, in the end, to be his undoing. In order to win and keep the fealty of the colored voters, Mahone had resorted to tactics which Radical leaders had previously used in Virginia. The results were the same. Although his pretended love for the colored people resulted neither in legislation to benefit them nor in high rewards in the way of office, the colored people were given some local offices in the black counties; and they were taught that the great body of whites, which made up the Democratic party, wished to bring them once more into bondage. Conditions similar to those that prevailed during the Reconstruction period existed in numerous localities throughout the State at this time as the result. Mahone filled the offices of the State, counties and cities with men who were his willing tools. Some were Northerners of the carpetbag type, others were native whites of the scalawag calibre. The acts of these officers and their inflammatory speeches threw the credulous negroes into a high state of excitement, and caused many of them to be exceedingly disagreeable and unbearably impertinent to the whites.

The Democrats hesitated before drawing the color line, but as the campaign progressed the attitude of their opponents induced them to recognize the race question as an issue that could not be avoided in politics. "I am a Democrat because I am a white man and a Virginian," said Major John W. Daniel to an audience in the Southwest.⁴⁰ Excitement grew more intense as the election approached, and the relations between the races grew more strained. The tenseness of feeling gave way in Danville to a street fight between the races that completely turned the scales in behalf of the Democrats in the elections, which came a few days later, throughout Virginia. This conflict was known as the "Danville riot."

Danville, a town in southeastern Virginia, had in 1880 a population of 7,526, of which 4,397 were colored and 3,129 were white. By 1883 the percentage of negroes had become even larger. Yet in this town the whites paid in round numbers

⁴⁰ The Richmond *Dispatch*, October 26, 1883.

\$40,000 in taxes and the negroes paid only \$1,200, or \$800 less than the amount appropriated out of the local taxes simply for the education of the colored children of the town. Prior to 1882 Danville had no wards and the government of the town as a whole was in the hands of the whites. But in 1882 the Mahoneites had gotten their legislature to amend its charter so as to divide the town into three wards with four councilmen and one justice of the peace from each ward. The division was made in such a way as to secure for the negroes the power of electing seven out of the twelve members of the council, all the justices of the peace and four out of the nine policemen. One of the negro policemen served also as a health officer and another as weighmaster of the public scales and clerk of the market. Twenty out of the twenty-four stalls of the market were rented to negroes by the town council. And the market was in a most dilapidated and filthy condition. The chairman of the council, Colonel Raulston, carpetbagger internal revenue collector at Danville and a tool of General Mahone's, had openly avowed upon assuming his office as chairman that it was his aim to build up the Radical-negro party in that locality. The members of the town council were in his employ. The police courts with their corrupt judges were a farce. The Federal internal revenue office was also filled with negro employees, or in the language of a former revenue officer of the town, "My office looks Africa because I have so many colored people in it."⁴¹

⁴¹ The following extract from a speech of W. L. Fernald, Republican (white) collector of internal revenue at Danville, which was delivered at Halifax Court House in behalf of Mahone's party, gives not only a picture of a Radical-Republican leader but also gives an example of the kind of speeches that were used to inflame the colored people by Mahone's followers:

"It does those Funder overseers so much good to see a *nigger's* back whipped. Every time they see a *nigger's* back cut, they jump up and clap their heels together like game cocks. * * * You will see colored judges and lawyers in that courthouse, and you will have good schools if the Readjusters succeed. * * * When a colored man comes out against the Readjuster party, he has sold himself. A man who goes against his race and color is a *damned*

For over a week before the election, business in Danville had given place to politics. Incendiary speeches were made to the negroes by their leaders of both races, and two mass meetings were held by them just before the riot took place on November 3. Whites were menaced by armed negroes, and white women were pushed from the sidewalk.⁴² Conditions were unbearable. The riot, which occurred a few days before the election, followed an accidental discharge of a pistol during a dispute between a white man and two negroes. A crowd gathered but dispersed after several people had been killed.⁴³ The governor sent militia to restore order, but before it could arrive the whites had the situation in hand. News of the riot and the conditions back of it spread rapidly over the State and united the whites against Mahone as nothing else could have done.⁴⁴ Similar conditions had prevailed in other localities of the black belt and other riots were narrowly averted.

The returns of the elections in November (1883) showed a complete victory for the forces opposed to Mahone. The newly elected Assembly contained a Democratic majority of about two-thirds in each house. And contested elections together with the resignation of several Readjusters soon brought the Democratic majority to over two-thirds in both houses of the

scoundrel. * * * Some will say, what will become of the Republican party if we all go over to the Readjusters? There is nothing in a name except the smell. * * * My office looks Africa because I have so many colored people in it." Quoted from the *Richmond Dispatch* by C. C. Pearson, *The Readjuster Movement in Virginia*, p. 155.

⁴² The *Richmond Dispatch*, October 23, November 4, 1883.

⁴³ The *Richmond Dispatch*, November 4, 1883.

⁴⁴ W. L. Royall, *Some Recollections*. The *New York Tribune*, the *Cincinnati Commercial Gazette* and other Republican papers accused the whites of the State of conspiring to massacre the colored people of Danville in order to intimidate them throughout the State before the election. The Republicans even went so far as to have the affair investigated by a committee of the United States Senate. The accusation was groundless. The *Richmond Dispatch*; John Goode, *Recollections*, p. 119.

legislature. There were only a few negroes elected, most of them from the Fourth Congressional District.⁴⁵

The acts of the Assembly of 1883-1884 show the effects of the compromise between the Funder and Readjuster elements in the Democratic party. The debt question was declared to be settled. The liberal acts passed by the previous legislature concerning the suffrage, taxation, appropriations for public schools, and others of like nature were kept on the statute books; and the liberal program in regard to the public institutions was enlarged. But those acts which were the products of Mahoneism were changed and the whole political machinery, built up by Mahone, was at once attacked. One of the first resolutions introduced into the Senate on the first day of the session was one by Senator Newberry asking that Mahone resign from the United States Senate. It was charged that he had betrayed his party in order to get control of the Federal patronage in Virginia; that he had absented himself from his duties in Washington for about five months in order to control the legislature

⁴⁵ The Fourth district was in the center of the black belt and was solidly Republican in representation on that account. The name of the counties of the district, their voting populations and colored representatives are as follows:

County	Delegate (Negro)	White voters	Negro voters
Dinwiddie (including the city Petersburg)	A. W. Harris A. Green (Petersburg)	3,526	3,741
Brunswick.....		1,396	1,924
Mecklenburg.....	A. A. Dobson	1,912	2,922
Lunenburg.....		1,085	1,222
Nottoway.....	Archer Scott	759	1,471
Amelia.....	Archer Scott	785	1,425
Greensville.....		692	1,165
Prince Edward.....	N. M. Griggs	1,180	1,972
Charlotte.....		1,398	2,055
Powhatan.....		707	1,007
Cumberland.....	Philip S. Bolling	756	1,426

The above figures were taken from the *Richmond Dispatch*, October 30, 1883.

for his own selfish ends; that he had tried persistently to prejudice the people of other states against those whom he represented; and that he had not ceased to "array class against class, and race against race, and to influence the passions and prejudices of one against the other by the most palpable misrepresentations and unparalleled vituperation." The resolution was passed in both houses of the Assembly.⁴⁶ The undoing of Mahoneism by this legislature was complete. The Readjuster Governor's powers of appointment were greatly curtailed in such a way as to give the legislature the opportunity of depriving Mahone's appointees of office. There was also further centralization of the appointing power in the legislature. Thus a great many petty officers throughout the State, who had been active agents for Mahone, were removed. Provision was made for keeping local school officials from engaging in politics. Under Dr. Ruffner's administration these officials were required to keep out of political affairs. But the Readjusters, especially under Mahone's rule, had found them very useful as local agents for the party. The charters of the cities with large colored populations were amended so as to prevent negro-Radical domination in their affairs such as had existed in Danville after Mahone's party had changed its form of government. Congressional districts were reapportioned in favor of the Democratic party; but gerrymandering was not as obvious in this as in the former redistricting under Mahone's supervision. Investigations were made by the Assembly into every phase of the State government that had been affected by Mahoneism, and much incompetence, fraud and evil political practices were brought to light. The work of the legislature was thorough and drastic, but the evil which was undone and the superior character of the new local and State officials amply justified these measures.

In April 1884, the Coalitionist (as the Mahone State convention was called) State convention met under General Mahone's leadership, drew up a platform and instructed its delegates to the National Republican convention to support Arthur for pres-

⁴⁶ House and Senate *Journals*, 1883-1884.

ident, and adopted the name "Republican" officially for the first time. Mahone again posed as the black man's friend. He conducted his campaign with his usual vigor, but the Democrats carried the State for Cleveland and elected eight out of the ten Congressmen.⁴⁷

In the elections of 1885 there were to be chosen members of the General Assembly and the Governor. Mahone again made a desperate effort to win the State. As a compromise with those who inclined towards the straight-out Republicans, John S. Wise was nominated for governor by his party. The Democrats nominated General Fitzhugh Lee. The removal by President Cleveland of Republican postmasters and revenue officials, who had been very active in politics throughout the State, during the summer of 1885 further weakened Mahone's organization. And the Democratic organization under the capable management of Mr. Barbour was rapidly increasing in efficiency. The campaign was a hard one on both sides. National interest was felt in it because of the notorious record of General Mahone in both state and national politics, and the knowledge that his defeat meant the loss by the Republicans of two men in the United States Senate and of a state out of the solid Republican South. For the first time in about twenty years prominent Northern Republicans came to Virginia to speak in behalf of their party candidates. Most prominent of these were Foraker and John Sherman. Although these men made "mild and soothing" speeches in Virginia, it was known that they had "waived the bloody shirt" at home. Their presence therefore aided the Democrats more than it hurt them.⁴⁸

⁴⁷ Eighty-five per cent of the total vote was cast in the election. The total Democratic vote for President in the State was 145,497; the total Republican vote, 139,356.

⁴⁸ While Sherman was speaking in Virginia, the following headlines appeared in his own paper in Ohio, the *Cincinnati Commercial Gazette*:

"Desperate Doings—Smacking of the Murderous Old Danville Methods—Inaugurated as the Last Hope of Virginian Bourbons—Republican Meetings broken up at various places, while their leaders are Brutally Assaulted—Democracy's Scandalous treatment of

The Democrats were again victorious. Accusations of fraud were made by both parties and doubtless there was occasion for them, but the large vote cast by the Republican party, which was composed largely of negroes, shows that there was no foundation to the Republican report that there was widespread "bulldozing" by the Democrats in the election.⁴⁹ "The Democrats," said a telegram from Mahone on hearing the election returns, "have carried the State and legislative tickets by unscrupulous use of election machinery, over which they have absolute control, and which was provided by their past usurping legislature with this end in view." The *Richmond Dispatch* in denying this accusation said, "What a characteristic effort to poison the mind of the Northern public. 'Unscrupulous' forsooth! Indeed does that word come with poor grace from the leader of a party that has flooded the State with bogus ballots."⁵⁰

Although the negroes had voted without hindrance in this election, it was at this time that the people of Virginia resolved to eliminate them from politics regardless of any means short of violence. They were tired of the danger and friction which their presence in governmental affairs caused.

The first phase of the Readjuster Movement gave momentum to the liberal movement already begun in Virginia laws and institutions. The second phase, Mahoneism, was more important

Sherman and Villification of Foraker." Quoted in *Richmond Dispatch*, November 3, 1885. See similar articles quoted from the *New York Evening Post* and the *New York Tribune*. On the other hand the *Washington Post* took the following view of the situation:

"There is but one issue to be decided tomorrow in the Commonwealth of Virginia and that is designated most fitly by the word 'Mahoneism.' Can Mahone, with 120,000 negroes at his back, reinforce his failing columns with a sufficient number of white men to perpetrate for an indefinite number of years his rule as a fireboater and a pirate over the people of his own state."

The *Nation* shared the opinion of the *Post* as to Mahone's character and purposes.

⁴⁹ The vote for Lee was 152,544; and for Wise, 136,519. Note the *Richmond Dispatch*, November 16, 1885.

⁵⁰ The *Richmond Dispatch*, November 4, 1885.

in Virginia history from a political point of view. It left its traces on the political life of the Commonwealth for years to come. The methods introduced by Mahone to place himself in power were adopted by his opponents as the only means to defeat him, and men's consciences became more or less accustomed to such political methods. The next fifteen years were marked by an increase of race friction and the increased use of loose political methods to defeat the negro vote. It was to remedy this unhealthy state of affairs, to leave neither cause nor excuse for fraud in politics, that changes were made from time to time in the fundamental laws of Virginia.

CHAPTER IX.

POLITICS AND RACE FRICTION—1885 to 1900.

In 1888 the deadlock which had existed between the Democratic and Republican parties in national politics since 1876 was broken. In the elections of that year the Republicans won the presidency and a majority in both houses of Congress. In Virginia they elected two representatives and successfully contested the elections in the Third and Fourth Districts. There were three candidates in the Fourth District,¹ Edward C. Venable, Democrat; A. W. Arnold, Republican; and John W. Langston, independent Republican, nominated by a negro mass meeting. The returns of the election gave Venable 13,298 votes; Langston, 12,657 votes; and Arnold, 3,267.

Langston was a Virginia mulatto, who had been educated at the North, where he had lived until he came to Petersburg, Virginia, as a teacher. He was unscrupulous although intelligent and fluent. Shortly after his arrival in the State he entered politics with the determination to defeat Mahone in his own district. For several months before the election he canvassed the district, bitterly denouncing Mahone and the whites of both political parties, and drawing the color line with the greatest severity. The colored leaders who were in the legislature or had been there remained true to their party and Mahone. They condemned Langston and the methods that he used to win the colored votes as tending to produce friction between the races and to alienate the white Republicans and the other whites in the State, who were paying the greater part of the taxes to support the colored schools and to support the regular functions

¹ In this district were the counties of Amelia, Brunswick, Dinwiddie, Greensville, Lunenburg, Mecklenburg, Nottoway, Powhatan, Prince Edward, Prince George, and Surry, and the city of Petersburg. The White population in 1880 was 59,011, the colored population, 100,487. See note, page 122.

of government.² But they were insulted and persecuted by other members of their race who followed Langston. Langston's chief appeal to the people was that there were enough negroes in the district to elect a negro to Congress and that it was time for them to have a representative there. By his oratory, he worked the ignorant and excitable negroes into a kind of frenzy. The whites were denounced and the fires of race animosities were constantly stirred. The bitterness engendered by this campaign³ and the revival of the race question in the na-

² The United States Census of 1890 shows the following facts:

White population in Virginia.....	1,015,123
Colored population	640,857
Total.....	1,655,980
<hr/>	
Value of property belonging to whites.....	\$351,919,071
Value of property belonging to negroes.....	10,503,671
<hr/>	
Total.....	\$362,422,742
<hr/>	
Percentage of property held by whites.....	97.2
Percentage of property held by negroes.....	2.8
Value of property per capita of whites.....	\$346.67
Value of property per capita of negroes.....	16.39

³ The following is a part of the testimony of J. H. Van Auken, a Republican from the Fourth Congressional District of Virginia, before the Committee on Elections of the House of Representatives:

"Question. Then explain, if you please, how with Arnold, the regular nominee of the party, supported by its entire organization in all its great influence, skill, management, and outlay, Arnold ran so poorly in the district?—Ans. For long months prior to the election, and for long months before the convention, Mr. Langston had, unopposed, been making a canvass, in which he and his emissaries had insidiously and industriously played upon the passions and prejudices of the colored people, basing his claims for Congress largely on the fact that the negroes outnumbered the whites very largely, and it was time for them to send a negro to Congress. He aroused even the women, got up an immense religious fervor in his favor and aroused the prejudice of the large mass of the unthinking col-

tional elections of 1888 were doubtless largely responsible for the great increase of crime and lynching during the next few years.

The elections in Virginia of 1889 marked the end of Mahone's political career. Having lost his seat in the United States Senate, he sought to become governor of the Commonwealth. The campaign for governor and for members of the legislature, which were to be chosen at the same time, was conducted with the usual vigor by the two opposing party leaders, Barbour and Mahone. Mahone's party was weakened by the revolt of John S. Wise, William E. Cameron and their friends, the most brilliant and worthy of his followers. This faction held a convention in October at which about two hundred delegates were present. Resolutions were adopted containing fifteen articles condemning Mahone's actions, and adding the resolution, "That the defeat of William Mahone is essential to the salvation of the Republican party." Pressure was brought to bear on the colored voters from all sides. Not a few votes were bought for a dollar or for two dollars each by the Democrats. The usual method of bribing them, however, was to buy their preachers or other leaders. The great mass of the negroes remained true to their old leaders, who followed Mahone.⁴ The defection of the Wise-Cameron wing left Mahone's party, which had already been deserted in 1883 by the best of the Readjusters, still less reputable, both at home and abroad. Philip W. McKinney, the Democratic nominee, was elected governor by a majority of 42,000 votes out of a total of 283,000. In the legislature, the Democrats won the greatest

ored people to such an extent as I never witnessed before and hope never to witness again. * * *

"This feeling was intensified largely under the teachings and leadership of young colored men, who had no memories of the past, which enabled them to properly appreciate what the Republican party had done for their race, hence no feeling of gratitude."

Report No. 2,462, House of Representatives, Fifty-First Congress, first session, pp. 3 and 4. See other testimony in the report.

⁴ F. G. Ruffin, *White and Mongrel*, (pamphlet) Richmond, 1890. Evidence of contemporaries.

majority that any conservative party had won in the State since the enfranchisement of the negroes.⁵ Only about twenty-four Republicans were left in the General Assembly. Among them were five negroes.⁶

The victory of the Republicans in the national elections of 1888 resulted in their attempt to give tangible expression to the desire of regaining their former power which had been menaced for several years by the creation of the solid Democratic South at the expense of their colored allies. This desire found expression in a bill introduced in 1890 by Representative Lodge of Massachusetts. This "force bill," as it was called, was designed to place Federal elections in the Southern States under the control of Federal officers and Federal troops. President Harrison had advised such a measure in his first message to Congress in December 1889. The bill passed the House, but died in the Senate. Around this bill there was centered a bitter debate in Congress and throughout the Nation, which served only to stir up past memories and to increase the solidarity of the South against the aggressiveness of Northern Republicans.⁷

The conservative people of the North, however, who had

⁵ The *Richmond Times*, November 29, 1887; the *Richmond Dispatch*, November 10, 1889; the *Richmond Times*, November 27, 1889; the *Warwick-Richardson Almanac*, 1890 and 1891.

⁶ There was one colored Senator, N. M. Griggs, of Prince Edward, who represented the counties of Amelia, Cumberland and Prince Edward. He was one of the members of that half of the Senate which was chosen in 1887. The other four negroes were delegates from Mecklenburg, Nottoway and Amelia, New Kent and Charles City, Elizabeth City, Warwick, and James City.

⁷ Hilary A. Herbert, editor, *Some Noted Men of the Solid South, Why the Solid South*.

The attitude that was most resented by Southerners at this time was that expressed in a speech before the Paper Trade Association of Boston by William E. Barrett, speaker of the Massachusetts House of Representatives, in which he confidently asserted that the "Southern Question" would be solved through "the infusion into the South of New England men, capital and ideas." The *Richmond Dispatch*, March 22, 1890.

contrasted the ten years of bayonet-negro rule in the South with the decade of home rule there, were willing to let that section manage its own affairs.⁸ The many Northerners who had gone South to invest their money and to live were not slow in appreciating the situation from the Southern point of view. By voting for the Force Bill the Republican representatives from Virginia did not increase their popularity with the majority of the people of the State, nor did their conduct aid their party in the State elections that followed.⁹

The political contests in 1888, especially in the Fourth Congressional District, and the agitation over the Force Bill caused the speedy end of the Republican office-holders in Virginia, at least for a time. In 1890 Democratic representatives were elected in every district of the State. There was opposition in only four districts by regular Republican candidates. Inaction was advised by Republican leaders on the grounds that they were being cheated by the Democrats at the polls. In 1891 there were only three Republicans in the General Assembly, and for the first time since 1867 there were no negroes in the State Senate. In 1893 the Republicans made no nomination for governor or for members of the legislature. Some of the Republicans supported independent candidates, and others, candidates of the People's party.

The People's party, aided by the Southern Republicans, succeeded in 1890 and in 1892 in dividing the whites in several of the Southern States, thereby capturing the legislature in South Carolina, Alabama, Missouri and Georgia; in electing several Congressmen in the South—one of them colored; and in electing governors in Georgia, South Carolina and Tennessee.¹⁰

⁸ E. L. Godkin, "The Republican Party and the Negro," in the *Forum*, March, 1889 (vii, 246 ff). For a conservative Southern view of the situation, see Wade Hampton, "What Negro Supremacy Means," *Forum*, June, 1888 (v, 383 ff). See also editorial in the *Nation*, July 3, 1890, p. 5, containing an extract from a speech by Hamilton G. Emart, Republican representative to Congress from the Ninth District of North Carolina.

⁹ The *Richmond Times*, October 21, 1890.

¹⁰ James M. Callahan, "Political Parties in the South Since 1860," in *The South in the Building of the Nation*, iv, 640.

But memories of the Force Bill and the danger of giving the negroes the balance of power through division of the whites held the South in line for Cleveland in the fall of 1892.

The Virginia Populists had their first convention in 1892 and in the election of that year gave their presidential candidate 12,191 votes. In 1893 they elected thirteen members to the General Assembly. This movement received the support of the Republican element in the State and of the more illiterate Democrats. As a result of the fusion of the Republican and People's parties, the Republicans elected about thirty-six members to the General Assembly, and further strengthened that party in the Southwest.

The success of the Democratic party in the national elections of 1892 placed both houses of Congress and the presidency in the hands of Southerners and their sympathisers, and demonstrated the futility of the bloody-shirt-negro-agitation methods of previous campaigns. In 1894 Congress repealed all the existing statutes providing for Federal supervision of elections. Time and a more hopeful outlook in the South, and a better understanding of conditions by the North were bringing the sections of the country closer together. The war with Spain at this time had a nationalizing influence; and the problems of suffrage, confronting the Republican party in the insular possessions, which were similar to those with which the South had been struggling, forced them to see the suffrage question from a new angle. Consequently the Southern States were left to deal with the suffrage of the ignorant masses within their borders without interference.

This new era in national life was reflected in the political affairs in Virginia. The State government and the bondholders had in the winter of 1891-1892 reached a settlement which was satisfactory to both sides. Mahoneism had been defeated. New interest was taken in national affairs, in education, economic development and social reforms. But the old elements of danger remained in politics and were prevented from showing themselves by the use of political methods which were evil in themselves and tolerated only because they prevented greater evils. The governor of the State frankly admitted in his mes-

sage of December 4, 1895, that prior to 1894 "there had been much confusion and disorder at the voting places, and that large sums of money had been used in every election to corrupt voters by all political parties, and men's ballots had been purchased like stocks in the market," and added "that this condition of affairs should cease in the interests of our institutions had long been apparent to every honest and right-thinking citizen." This state of affairs caused grave concern to the people of Virginia, who had begun to realize that the whole body politic was threatened with this infection.

It was in order to secure decent and honest elections and to eliminate the most objectionable of the voters that there was enacted in March, 1894, the Walton Act, which introduced a modified form of the Australian ballot system, the main features of which exist today. Official ballots were required. Booths placed forty feet from outside observers were to be provided to enable the voters to prepare their ballots secretly and without interference. Upon entering the booth, the voter must be given by one of the judges a ballot, which he was forbidden to take outside of the polls. He was allowed two and a half minutes in which to prepare his ballot and could secure the aid of one of the judges of election in marking his ballot if "physically or educationally" unable to do it himself.¹¹

This system of elections was a great improvement over the former one. In the words of the Governor, "The excitement, confusion and disorder, and the badgering, pulling and hauling of voters that prevailed to such a disgusting extent," under the old system were eliminated.¹² Bribing was made much more difficult, since there was no way for the voter, who had to be alone in the booth, to show his ballot after marking it. Bogus ballots, which had played an important part in former elections, could no longer be used. Many illiterate voters were

¹¹ The original act provided for the appointment of a special constable for this purpose. But the arrangement, which was expensive and which lent itself easily to fraud, was not desired by the author of the law and was changed at the next session of the legislature.

¹² Governor's Message, *House Journal*, 1895-1896, p. 34.

practically disfranchised by the Walton law in spite of the fact that they could receive official assistance if necessary. Many negroes hesitated in getting a Democratic election judge to assist them in marking their ballots; others were timid or ashamed to acknowledge their ignorance; and many that attempted to vote could not correctly mark their ballots in the allotted time. In some voting precincts, from a third to a half of the ballots had to be thrown out because they were incorrectly prepared. The governor of the State actually proposed in 1898 that emblems be used on the ballots to distinguish the candidates of the two parties in order to enable illiterate voters to vote as they desired. Fortunately, the General Assembly did not consider his proposition.

Upon losing their votes through legal and illegal methods, and lacking aggressive leadership, the colored people grew apathetic, and many did not go to the polls in the elections of 1896 and 1897. In 1896 the Democrats had their own way in all the black counties, and the white counties of the Southwest and the Valley, now relieved from the fear of negro domination in the eastern counties, became more independent in politics and gave more support to the Republican party. In 1897 a Democratic governor, Charles T. O'Ferrall, was elected.¹³

In spite of the fact that the white people of Virginia had practically disfranchised the negroes by the middle of the nineties, they were greatly dissatisfied with political conditions as they existed. The system of fraud that had been built up to defeat Mahoneism by disfranchising the negroes had a demoralizing effect upon the whole electoral system and was finally used where whites alone were concerned. And the political unity of the whites, made necessary by the solidarity of the colored voters against them, prevented independent voting and thereby virtually disfranchised the whites in national and sometimes even in state elections. These evils were forcibly brought before the people by the presidential election in 1896. There was in Virginia a strong gold-standard faction in the Democratic party which had the enthusiastic support of the *Richmond Times*, a paper that had been founded to support the

¹³ The *Richmond Dispatch*, November 3, 1897.

"Debt-payers" in their fight against Readjusterism. In the Southwest and the Valley, where the whites had a free hand and where there was less reason for prejudice against the Republican party, the Republicans either won or ran up large minorities. In the eastern counties, however, which had been the Republican stronghold in the State on account of the colored vote, Bryan won with large majorities, thereby gaining the State by over nineteen thousand majority.¹⁴ The men who had opposed the regular Democratic organization were warmly assailed by former political associates for forsaking the party, and the "gold Democrats" felt that they did not get a square deal at the polls. After this there was an increased demand for the elimination of fraud in elections, and the causes back of it, by the revision of the suffrage article in the State Constitution. The *Richmond Times* led the way in this demand. This desire for cleaner and more independent politics resulted in the new Constitution of 1902.

The changes made by this constitution in the suffrage can be rightly understood and appreciated only by a knowledge of the race conditions and relations—within and without the borders of the Commonwealth—that insured and hastened the calling of the Constitutional Convention of 1901.

The history of race relations in the South shows that most of the friction that has existed between the races since the War of Secession can be traced directly to political agitation. The unscrupulous leaders of the negroes endeavored to keep them united by vilifying the whites and by stirring up race prejudices and passions. Their propaganda was more easily spread on account of the advent of the younger generation of negroes who were reared in the years of turmoil during and after Reconstruction and who lacked both the friendship of the whites and the training and discipline that were given them before the War of Secession. The percentage of older freedmen on the prison records was comparatively low. The records of the Virginia penitentiary for the years 1871 to 1888 inclusive show that an average of 67 whites and 247 negroes were received

¹⁴ W. L. Royall, *Some Reminiscences*, ch. v.

into that institution yearly. With the census figures of 1880 as a basis, it is seen that the percentage of negroes received yearly into the penitentiary was seven times as great as that of the whites.¹⁵ Even after making allowance for possible discrimination against the negroes by the courts, the contrast is very striking. However, such statistics do not show that the more unfortunate race was proportionally inferior, because crime is the ally of poverty and ignorance the world over. But such statistics were naturally used in those days against the negro as such.

The general lawlessness that followed war, the lack of any system of police in the rural districts, which contained most of the population of the State, and the inadequacy and inefficiency of the State and local governments compelled the people to take the law into their own hands to a great extent. Under these conditions, mob violence could not be readily checked. In those days, lynchings for the crime of rape which is the most unspeakably hideous of all crimes to a Southerner, especially when the offender is of another race, was deemed the only quick and certain method of punishment and a wholesome lesson to would-be offenders. It was considered necessary for the protection of women scattered on lonely plantations throughout the country.¹⁶

Records show that lynchings were the result of the nature of the crime rather than of mere race prejudice, as was generally believed outside of the State. But there was only a short step between lynchings for rape and lynchings for murder—and for even lesser crimes. From 1880 to 1888 inclusive, there were eight white and eighteen colored people lynched, or an average of one white to two colored victims a year in Virginia. Of these twenty-six, nine were accused of rape or attempted rape and twelve of murder.

In the decade of the nineties, contemporary evidence of all kinds shows that the number of rapings by negro men were

¹⁵ Frank G. Ruffin, *Cost and Outcome of Negro Education in Virginia*. Table prepared by W. W. Moses, superintendent of the Virginia penitentiary, 1871 to 1888 inclusive.

¹⁶ Governor McKinney's Message, *House Journal*, 1893-1894.

increasing at an alarming rate. This marked increase began to be evident about the end of the year 1888. The increase was without doubt due to the excitement arising out of the State and national elections of 1888 and 1889. There occurred in 1888 the election to Congress of John M. Langston, an illegitimate mulatto, who openly advocated the mingling of the races and other things repugnant to the whites. The character of the campaign which he conducted has been described above. It did much to increase the strained relations already existing between the two races. Then in 1889 came another election, in which negroes were led in masses to the polls to aid Mahone, who met his last great defeat in that campaign. There were the usual strained race relations that followed such campaigns.

After 1888 the number of cases of rape was increasing at an alarming rate throughout the South.¹⁷ Virginia afforded no

" Note contemporary newspapers, periodicals of all kinds, contemporary memoirs, etc. As an example, see the following articles in one volume of the *Forum*, vol. xvi (September, 1893-February, 1894): Atticus G. Haygood, "The Black Shadow in the South;" Charles H. Smith, "Have American Negroes Too Much Liberty?" L. E. Beckley, "Negro Outrage No Excuse for Lynching;" Walter Hines Page, "The Last Hold of the Southern Bully."

Bishop Atticus G. Haygood, of whom James Bryce says, the negro has no better friend, quotes in his article, named above, Dr E. E. Hoss, editor of the *Christian Advocate* (the chief organ of the Methodist Episcopal Church South) as saying that "three hundred white women had been raped by negroes within the preceding three months." "I believe," added Bishop Haygood, "Dr. Hoss's statement to be under rather than above the facts in the case. Not a few such crimes are never published." Bishop Haygood remembered only one such crime that occurred before the War of Secession. He said that Reconstruction has taught the negro his rights, not his responsibilities; license rather than liberty. The younger negroes were taught that it was their business to keep the white Southern man down and to hate him, rather than to be guided by him. A certain class of Northern newspapers dilated on the horrors of lynching and reported all violations done negroes while barely commenting on the nature of the crime or the horrors of rape. Public records show that the negro criminals were for the most part those who grew up under the loose regime of Reconstruction.

exception to the rule. The most brutal as well as the most frequent criminals in these cases were negroes. Where whites were guilty of such brutality as was shown by these men, they met with the same punishment. During the five years that followed 1888 (1889 to 1893 inclusive) there were thirty-five lynchings in the State. The victims in all but five cases were colored. The crime charged against fifteen of these was rape or attempted rape and that against fourteen was murder.¹⁸

18 LIST OF LYNCHINGS IN VIRGINIA FROM 1880 TO 1897 INCLUSIVE.

Year	Whites lynched	Colored	For rape	Attempted rape	Murder	Felonious assault	Terror to his neighborhood	Seduction of a white female (idiotic)	Stabbing	Shooting an officer attempting arrest	Attempted murder	Horse stealing	Burglary	Total number of lynchings each year
1880	1	2	2	..	..	..	..	1	..	..	..	..	..	3
1881	..	3	..	..	3	..	..	..	..	..	..	..	..	3
1882	2	2	1	..	3	..	..	..	..	..	..	..	..	4
1883	1	2	..	..	3	..	..	..	..	..	..	..	..	3
1884	1	2	..	1	..	1	..	..	1	..	..	..	..	3
1885	1	2	..	..	3	..	..	..	..	..	..	..	..	3
1886	1	2	..	1	..	..	..	..	..	..	1	1	..	3
1887	..	1	1	..	..	..	..	..	..	..	..	..	..	1
1888	1	2	2	1	..	..	..	..	..	..	..	..	..	3
1889	..	7	2	3	1	..	..	..	..	..	..	..	1	7
1890	1	..	..	..	1	..	..	..	..	..	..	..	..	1
1891	..	6	2	..	1	..	..	..	..	3	..	..	..	6
1892	4	5	2	2	5	..	..	..	..	..	..	..	..	9
1893	..	12	2	2	6	1	1	..	..	..	..	..	..	12
1894	..	..	..	..	..	..	..	..	..	..	..	..	..	0
1895	..	..	..	..	..	..	..	..	..	..	..	..	..	0
1896	..	1	..	1	..	..	..	..	..	..	..	..	..	1
1897	1	1	1	..	1	..	..	..	..	..	..	..	..	2
Total	13	51	15	11	27	2	1	1	1	3	1	1	1	64

This table is found in *Senate Journal*, 1897-1898, p. 16. (Also in *House Journal* of that year) Governor O'Ferrall says of it, "This ta-

Twelve negroes were lynched in 1893. On September 20 of that year a climax was reached in mob violence with a riot that occurred in Roanoke, a peaceful and thriving town outside of the black belt. A negro man assaulted an old lady in a lonely house, robbed her and beat her almost beyond recognition. She revived and informed the authorities, who found the criminal and lodged him in jail. Upon hearing of the crime, a mob gathered and demanded the negro. The mayor of the town ordered the mob to disperse and finally called out the militia. But the crowd attacked the jail and militia in spite of the entreaties of the mayor and the warning from the commanding officer of the militia that they would fire if necessary. Finally the mob succeeded in overpowering the militia, and succeeded in lynching the negro. They also drove the mayor from the town for a time. Eighteen people were killed and twenty-seven wounded in the riot.¹⁹

This affair emphasized the dangers and the disgrace of mob rule and aided in crystallizing public sentiment against such occurrences. In his message to the legislature of December 6, 1893, Governor McKinney gave an account of the riot and bitterly condemned the lynching. He said that the government of the State was now firmly established and in the hands of the people of Virginia, and that an excuse for mob rule no longer existed. "The law in the State of Virginia," he said, "will be enforced The military when ordered out will carry loaded rifles, and will use them when ordered to do so by the officers in command, and the consequences must rest upon the heads of those who make it necessary."

The State was fortunate in the election as governor, in the fall of 1893, of Charles T. O'Ferrall, who also vigorously opposed mob violence and who promised in his inaugural address to rigidly enforce the law and to prevent lynchings to the best of his ability. He was fearless in his effort to redeem his

ble is authentic and is prepared from the reports of the clerks of courts of the various counties and cities from 1880 to 1894, and from direct information in the executive office since."

¹⁹ *Senate Journal, 1893-1894, Governor's Message*, pp. 45-50.

promise. No lynchings occurred during the first two years of his administration, 1894 and 1895. The militia was employed, however, in several counties to prevent mob violence.²⁰ In 1896 only one lynching occurred in the State; and in 1897 one white man and one negro were lynched. Governor Tyler was able to make a similar report during the next administration. During 1898 and 1899 there occurred two or three lynchings, "which," according to the Governor, "could not have been prevented though the local officers did all in their power." For the next two years of his administration, he said, "The order of our State has been good, and it is a gratifying fact that the prevalence of that menace to civilization—mob law—has been notably less. With the exception of one or two counties the people of the State have been law-abiding and peaceful."²¹ During the next seventeen years Virginia was free from lynchings, and the attempted lynchings were much fewer.²² The provocations for lynchings had not ceased in the later nineties, however, and continued to strengthen the demand for the removal of the negroes from politics.²³

²⁰ The militia was used in the following counties for this reason during those two years: Prince William, Augusta, Frederick, Clarke, Lunenburg and Albemarle. (*House Journal*, 1897-1898, p. 21). During the last two years of the administration, 1896 and 1897, the militia was called out to aid the civil authorities by the mayors of Alexandria, and Portsmouth, and by the sheriffs of Albemarle, Shenandoah, Fairfax, and Culpeper counties.

²¹ *House Journal*, 1899-1900, p. 37; *ibid.*, 1901-1902, p. 34.

²² For a thoughtful and interesting discussion of this subject, see Thomas Walker Page, "Lynching and Race Relations in the South," *North American Review*, August, 1917.

²³ During four years, ending December, 1897, there were committed to the penitentiary, for various terms, fifty-eight criminals for attempted rape and twenty-nine for rape. Of these eighty-seven, twenty-four were white and sixty-three were colored. In addition to these cases, there were eight men hanged for the crime. *House Journal*, 1897-1898.

According to Governor O'Ferrall's report in December, 1897, "The rapidity with which the number of criminal assaults has grown in the Southern States, and in fact in the country at large recently,

As an outcome of the friction between the races, an act was passed by the Virginia legislature requiring railroad companies to provide separate coaches for white and colored passengers.²⁴ This legislation, like most legislation of its kind, resulted from a demand for it extending over a number of years²⁵ because of numerous instances of strife between members of the two races when thrown together on cars. These instances became more numerous and the proverbial straw which brought matters to a climax came early in January, 1900. It was a relatively small affair and would not have attracted state-wide attention had it not been one of several such happenings that had occurred within a few weeks of each other. A half drunken negro made himself very disagreeable to a white woman by whom he was sitting in a car. When asked to take another seat, he refused and was ejected by a white man. There were other drunken negroes on the car with guns, and a fight, which would have proven a serious affair, was narrowly averted.²⁶ This event was the occasion of much discussion of race relations throughout the commonwealth, which resulted in the enactment of the law, on May 12, 1900, which prevented the recurrence of such troubles.

The political situation as regarding the negroes in Virginia was strongly influenced by the political and race relations that existed in other Southern States at this time, especially by those existing in the adjoining State of North Carolina. It will not be a digression from the subject under discussion to pause here to note briefly the situation in that State during the nineties.

should stimulate the legislature of every State to take the most vigorous steps to stamp out the horrible crime."

Professor R. H. Dabney of the University of Virginia, wrote in 1901, "Race hatred has not yet been violent except in wreaking vengeance for the crime of rape. But the steadily growing frequency of this crime is fearfully increasing the bitterness." Article in the *Richmond Times*, October 6, 1901.

²⁴ Most of the other Southern States had already passed similar laws. G. T. Stephenson, *Race Distinctions in American Law*.

²⁵ Governor's Message, *House Journal*, 1891-1892.

²⁶ The *Richmond Times*, January 12, 1900.

According to the census of 1890 there were 1,055, 382 whites and 561,018 negroes in that State, the percentage of negroes in the total being, therefore, 34.7.²⁷ In fifteen counties the negroes were in the majority. But the whites, who controlled the State government, had made laws which enabled them to control the government in these counties during the twenty-three years prior to 1894. In 1894, Republicans, Populists and negroes fused and gained partial control of the State and local offices. Two years later they got complete control of these offices. A Republican governor was elected, and the legislature was under the control of the fusionists. The legislature immediately decentralized the State government in such a way as to make the negroes supreme in those counties and towns where they were in the majority. The offices were filled with incapable whites and negroes. Two years of riot and corruption, like those which prevailed in the days of Reconstruction, followed.^{27a} Conditions became intolerable. Neither the property nor the persons of the whites of the black belt were safe. Crime increased and went unpunished. The negroes who had been peaceful under the former government had their heads completely turned by the sight of their fellows in office and by the speeches of their leaders. They became unbearably insolent.

In Wilmington, where three-fifths of the population was colored, white women were even slapped in the face or pushed from the sidewalk without provocation by negro women. When the whites began to arm and to make plans to defend themselves from insult and injury, there was talk among the negroes of poisoning the whites and of burning their homes at

²⁷ These figures closely resemble those for Virginia at that time.

^{27a} One thousand negroes became office holders in the State. There were three hundred negro magistrates and twenty-seven negro post-masters. The collector at the port of Wilmington was colored. The offices in the eastern counties were almost all filled with negroes and their white leaders. Thus the counties in a large part of the State were ruled by the mass of ignorant and shiftless negroes and the unscrupulous whites, who paid only a negligible per cent of the taxes and who were most inefficient and corrupt in administering the affairs of government.

night. In November the white men organized to insure order on election day. On the day after election they destroyed the press of a negro newspaper that had published an article which not only insulted white women but also tended to encourage the crime of rape, a brutal instance of which had just been committed by a negro in an adjoining county. No other property was destroyed by the whites and no physical harm was done anyone. About a mile from the scene of this occurrence, however, a negro mob fired at a group of white men on the street, injuring one seriously. A fight ensued. There were two or three other affrays during the day, and by night thousands of negroes were hiding in the swamps. During this riot, seven negroes were killed and thirteen wounded. There was no wanton killing or vandalism. Three whites were wounded. In the midst of the tumult, the incapable town authorities resigned and the leaders of the whites were put in charge of town affairs. The new officials issued an order at once that business be resumed as usual on the following day, and that all appear at their tasks without firearms. The order was obeyed. Peace was restored. Parties were organized to go in search of the fugitive negroes and to assure them that they could safely return to their homes, and vigilance committees saw to it that those who had not fled were not molested in their work. The whites had accomplished their purpose. They were in control of the town and had given the negroes a warning that insolence and lawlessness must cease.

In 1896 the white Democrats effected a revolution in North Carolina, and came once more into control of the legislature. In 1900, Charles B. Aycock, in opening his successful campaign for governor, made the statement that the State constitution must be amended to disfranchise the negro, and that order and development demanded that the existing system of government be changed.²⁸ North Carolina passed her law for

²⁸ For an account of the "revolution" in North Carolina and of the race troubles in Wilmington in particular, see the following articles, which are valuable in giving unbiased views of this and similar race troubles and their causes:

"The Race Problem in the South—I. The North Carolina Rev-

separate coaches for the races in 1899 and made a new constitution, which disfranchised most of the negroes in 1900.

The revolution in North Carolina was watched with interest and sympathy by Virginians, who had similar elements of danger to guard against. The situation which had necessitated it was similar to what had existed in Virginia and which might occur again.

Of the many methods used to win the votes or the neutrality of the negroes during the eighties and especially during the nineties, bribery was the one most generally resorted to. The usual sum for an individual vote was one or two dollars. The most usual way of bribing was to pay negro preachers²⁹ or

olution," by A. J. McKelwey, editor of the *North Carolina Presbyterian*, II. "A Negro's View," by Kelly Miller, of Howard University, in the *Outlook*; Henry Litchfield West, "Race War in North Carolina," the *Forum*, xxvi, 574 ff. (January, 1899). Alfred M. Waddell, article in *Proceedings of the Montgomery Conference on Race Problems in the South*, 1900; and the *Richmond Times*, August 1, 1900.

²⁹ Contemporary evidence; Philip Alexander Bruce, *The Plantation Negro as a Freedman*.

With not a few worthy exceptions, the negro preachers in the South, especially in the rural districts, were chosen not on account of any very superior moral fitness, but because of their fluency and aggressive personality. They were therefore the natural leaders of their race. The church was at that time a kind of political organization. Those of its members who voted with the whites against the will of the preachers were ostracized and were sometimes turned out of the church. These preachers appealed to the emotions rather than to the head, and they kept the negro voters under their control.

An interesting example of the influence of these men in politics is furnished by the election in Richmond in 1875. There were to be elected two State senators from Richmond. General Bradley T. Johnson and William E. Tanner were the Democratic nominees. The Republicans had no regular nominees; but two independent candidates, Knight and Starke entered the field with the expectation of being elected by aid of the negro vote. Johnson, "at very considerable expense," had organized Johnson clubs among the negroes and had a large number of colored voters pledged to him. There were eighty-five pledged to him in one precinct. Up to the Sunday preceding the election (which took place the next day) Johnson had no opposition among the negroes. On Sunday night, however, when all the negroes attended church, their preachers announced from

others of influence among the colored people fifteen, twenty and sometimes fifty dollars or more for their influence in a certain district, or for a certain number of votes. As a traveler in the South expressed it, "The negro vote, like the cotton crop, is always on the market, to be sold to the highest bidder. . . . The negro is for sale today as much as ever."³⁰

Other methods were used to defeat the colored vote. Ballot boxes were stuffed with tissue ballots and otherwise tampered with. In some counties the negroes' love of running for office proved their undoing. Several colored candidates for office would appear in the field. The whites would studiously avoid the appearance of uniting on one candidate, and at the same time agree among themselves to vote in a body for only one man. In some instances the whites went so far as to put forward colored candidates to divide the negro vote. Intimidation was seldom resorted to. In Charlotte county a colored candidate for the legislature was shot by a white man in his audience. The victim, a mulatto shoemaker named Joseph R. Holmes, had represented Charlotte and Halifax counties in the Underwood Convention. Needless to say there were no more negro candidates for office in Charlotte county. However, this was a very extreme example of intimidation.

The Walton law of 1894 prevented much confusion at the polls, but it was not sufficiently effective in weeding out objectionable votes and in preventing fraud.³¹ It was generally admitted in 1900 by men of all parties in the State that the negroes were being defrauded at the polls and that those who had charge of the party machinery in local elections often treated

their pulpits throughout the city that all were expected to vote for Knight and Starke. Tanner and Johnson were elected but did not receive a single negro vote. W. L. Royall, *State Debt Controversy*, pp. 37-39; *Senate Journal and Documents*, 1875-1876.

³⁰ Henry M. Field, D. D., *Bright Skies and Dark Shadows*.

³¹ The *Richmond Times*, January 4, 1898; Address of J. Hoge Tyler to the legislature, *House Journal*, 1899-1900, p. 32; John Garland Pollard, "Unrestricted Suffrage and its Corrupting Influences," the *Richmond Times*, July 15, 1900; Numerous references in the newspapers and other contemporaneous sources of 1900 and 1901.

the whites who differed with them in the same fashion. Men of the younger generation were losing their respect for the sanctity of the ballot and for politics in general.³² The need for an amended constitution to remedy this state of affairs was very urgent.

³² A delegate from the Southwest made the following statement on the floor of the Constitutional Convention of 1901 without having its truthfulness challenged: "I do not deny, and I am ready to show, if it were necessary, that they [elections] have not been fair in the black belt, but it is of no use to show that, because it is admitted all over this floor by every member on it." *Debates of the Constitutional Convention of 1901*, p. 211; Other contemporary sources.



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CHAPTER X.

THE CONSTITUTIONAL CONVENTION OF 1901-1902 AND THE NEW CONSTITUTION.

The question of calling a convention to revise and amend the Constitution of 1868 was submitted to the people three times prior to 1900.¹ The Constitution of 1868 provided that no such election be held in the State until after the general election to be held in 1888, and that a vote be then taken on the question. But the danger of a return to Mahoneism was too great at that time for the whites to advocate any measure restricting the suffrage or reducing the number of local offices. Furthermore, it was not felt that the State could afford to bear the expenses of a convention at that time. Economy had been written into all political platforms for many years. A convention was advocated, therefore, by neither party. The first referendum for a convention was defeated by a vote of 63,125 to 3,698. By 1897 public sentiment in its favor had greatly increased. In the election of that year the convention was again defeated—this time by a vote of 183,453 to 38,326. But no definite program could be agreed upon as a basis for revising the constitution. As in the previous election, no party was committed on the subject and no canvass was made. In 1900 the General Assembly again provided for a vote on the calling of a convention.² Both parties now took sides on the question. The Democratic State convention at its meeting in Norfolk on May 2, 1900, advocated the calling of a convention to revise the Underwood Constitution. It also passed a resolution "That it is the sense of this convention that in framing a new constitution, no effort should be made to disfranchise any citi-

¹ Numerous amendments had, however, changed the original constitution in a great many different places. For a convenient list of these amendments, see J. N. Brennaman, *A History of Virginia Conventions*, p. 122.

² Act of March 5, 1900.

zen of Virginia who had a right to vote prior to 1861, nor the descendant of any such person, and that when such constitution shall have been framed it shall be submitted to a vote of the people for ratification or rejection.”³ The Republican party declared emphatic opposition to a constitutional convention. “Let every voter,” urged the chairman of the party, “get to the polls on the 24th of May 1900, and show the attempted outrage under.”⁴ In this election 77,362 votes were cast for a convention, and 60,375 against it.⁵

The returns of the election show some odd results. Of the 100 counties, 48 were for and 52 against a convention. Of the 35 counties in which there was a majority of negroes, 18 voted for a convention and 17 against it. Of the 65 white counties, 30 voted for and 35 against a convention—25 of the latter being west of the Blue Ridge Mountains. The 32 counties west of the Blue Ridge contained a population of 454,209 whites and 58,599 negroes, or a majority of over 400,000 whites. Yet all but 7 of these counties voted against the calling of a constitutional convention. In the 30 white counties that voted in favor of a convention, there were 375,039 whites and 184,139 negroes, or a majority of 190,900 whites; and in the 35 white counties that opposed the convention, the whites numbered 416,848, and the negroes only 83,174, or a white majority of 333,674. In the 35 black counties which had a majority of 16,491 male negroes of voting age the majority against a convention was only 422.⁶ These figures show that the election

³ The *Richmond Times*, May 3, 1900.

⁴ *Ibid.*, May 11, 1900.

⁵ The total possible vote in the State was about 447,000.

⁶ Charlotte county had 1,847 more colored than white inhabitants. Its majority for the convention was 476. Prince Edward county with its majority of 4,493 negroes had a majority of 64 for the convention. Many had been eliminated, doubtless, by the usual methods. But the small negro vote may be accounted for in most cases by the fact that the negroes had ceased to vote and did not have their former leaders to bring them to the polls. Nevertheless not a few colored votes were cast. *Debates of the Constitutional Convention of 1901*, p. 3,000.

was won in those counties having the largest negro population, although it was a foregone conclusion that the negro would be disfranchised if a convention were called.

Two questions naturally arise from the consideration of these facts: Why did the white counties oppose the calling of a convention? and why did not the blacker counties oppose it?

The answer to the first question is found in the social and economic differences of the two sections. As long as the East was swamped in negro-carpethag rule under Republican leadership the West was solidly Conservative, or Democratic. When the East became solidly Democratic the West became largely Republican. This change in the political affiliation of the Southwest was due in part to the old sectional spirit that made the opposition of the West to the East in politics traditional in Virginia. The influence of Mahoneism and Populism, the freedom from the menacing presence of the negro in local politics, and the growth of large mining interests in the West and Southwest, all united in turning these sections towards the Republican party.

Mahoneism had made a strong appeal to the vast numbers of illiterate whites in the western counties. Mahoneism paved the way for Populism; and Populism paved the way for the Republican party, which was associated with both the Mahone and the People's party in Virginia. The Republican party was still the colored man's party in the State. And, furthermore, in the white counties little was to be gained in local politics by the elimination of the negro vote, and in State politics there was little for the West to be anxious about so long as the whites in the eastern counties were in control of the political machinery. Perhaps the greatest cause of the opposition in the Southwest to the calling of a convention was the fear that the illiterate whites of that section would be excluded along with the illiterate negroes in the eastern counties. In the Ninth Congressional District, which lies wholly west of the Blue Ridge Mountains, there were more than nine times as many white as negro voters. Yet there was 1 voter out of every 4.2 in the district who could not read and write. The per-

centage of illiteracy was greater among the white than among the colored voters of the district, the ratio of illiterate to literate white voters being 1 to 4.6, and that of the colored 1 to 21. In the Fourth District, on the other hand, which remained longest under negro domination and which was one of the most aggressive sections in bringing about the disfranchisement of the negroes, there was one-sixth less white than colored voters. In this district the ratio of white illiterate to literate voters was 1 to 10.8, and the ratio among the negro voters was 1 to 1.6. The proportion of white voters in the Ninth District who could not read and write was more than twice as great as that in the Fourth District; and the proportion of negro voters in the former district who could read and write was thirty-three per cent larger than that in the Fourth District.⁷

It is obvious from these figures that the problems facing the sections represented by these two districts were very different. The western counties had little reason for desiring to disfranchise their small negro minority or to endanger the suffrage of their illiterate whites who were of the same race and political faith as the literates. In the black counties there were no such bonds between the mass of literates and illiterates.

In the black counties the burden of taxation fell upon the white minority and the whites desired control of expenditures. The total amount of taxes paid by the negroes of the State for the fiscal year ending September 30, 1902, if used solely to cover the amount appropriated for colored schools, would cover less than half of the expenditure for their schools alone—exclusive of the pay of county and city superintendents and the expenses of the State Department of Education.⁸ Al-

⁷ *Debates of the Constitutional Convention of 1901*, p. 3,000; *Journal and Documents of the Convention of 1901*. For map showing boundaries of the districts, see opposite page.

⁸ The following tables, from the *Report of the Auditor* for the fiscal year ending September 30, 1902, show the economic differences that existed between the two races in Virginia at this time. The



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though no little progress had been made in bettering their condition, the majority of them still remained ignorant and were a constant social danger.⁹

The Constitutional Convention of 1901-1902 began its session on June 12. Of the one hundred delegates eighty-eight were Democrats and twelve, Republicans. There were men of all shades of political beliefs represented. The personnel of the Convention was much above that of the average legislative body of the State. John Goode, who had served in the Secession Convention of 1861 and in the Confederate Congress, was elected chairman.

In the campaign preceding the convention and in the convention itself no attempt was made to conceal the main pur-

white population was 1,192,858 and the colored population was 661,326, or 32.6 of the total population.

Total Value of Personal Property			
Owned by.....	Whites	Negroes	Total
	\$108,660,967	\$ 4,298,501	\$112,959,468
Total Value of Land, Town Lots and Buildings			
	316,633,102	13,281,889	329,914,991
Taxes Paid			
On Personal Property	By Whites	By Negroes	Total
For the Government.....	\$ 326,174.16	\$ 20,556.33	\$ 346,730.49
For Schools	101,119.29	4,281.04	105,400.17
Total	\$ 427,293.29	\$ 24,837.37	\$ 452,130.66
On Real Estate:			
For the Government.....	\$ 942,718.99	\$ 39,818.79	\$ 982,537.78
For Schools	314,453.34	13,293.84	327,747.18
Total	\$1,257,172.33	\$ 53,112.63	\$1,310,284.96
On Income	\$ 64,190.15	\$ 33.00	\$ 64,223.15
Capitations	264,690.00	125,533.00	390,223.00
Total Taxes	\$2,013,345.77	\$293,516.00	\$2,216,861.77

* W. E. B. DuBois, *The Negroes of Farmville, Virginia*: Contemporary evidence of various kinds.

pose of that body. The negro had been a failure and a menace in politics. As long as he was in politics the color line was a line of friction and danger to both races. Therefore he must be removed, not only because he was for the most part an ignorant and irresponsible voter who had usually stood solidly behind the worst elements in State politics, but also because he had been taught in the beginning to vote as a negro and must therefore be disfranchised because he was a negro.¹⁰ There was no animosity displayed against the negroes in the speeches of the convention. His political sins were laid at the feet of his teachers; and his shiftlessness and moral short-comings were regarded as inherent to his race or as the result of his environment.

The task before the convention was a most difficult one. There were some delegates from the blackest counties, which had suffered most from the negro franchise, who desired a wholesale disfranchisement of the negroes in the most arbitrary manner, and those who desired to eliminate the ignorant and vicious voters regardless of color; there were delegates from the Republican counties of the Southwest which had suffered only indirectly from the colored vote, who spoke of the "God-given right of suffrage" with all the fervor of the Radical Republicans of the Convention of 1867; and there were delegates from the middle counties, and not a few from counties of all sections, who were determined to accomplish the purpose of the convention without resorting to methods that would be unnecessarily radical. These last men formed the majority element in the convention.

"The Committee on the Elective Franchise, Qualification for Office, Basis of Representation and Apportionment, and on Elections" was composed of twenty-two members, at least two of whom were chosen from each of the Congressional districts of the State. After more than three months of hard work this committee submitted to the convention on September 26, 1901

¹⁰ It should be remembered in this connection that the first "Solid South" was black and Republican. There was no "Solid South" before the days of Reconstruction.

three reports on the elective franchise—the majority report signed by twelve of the committee headed by Mr. Thom, of Norfolk, a minority report signed by six of the committee headed by Senator John W. Daniel, of Campbell county, and a second minority report submitted by one member, Mr. J. C. Wysor, of Pulaski and Giles counties.¹¹

The requisites for the franchise proposed in the Thom plan were as follows: 1. The prepayment of the capitation tax of \$1.50 six months before the election, applicable after February 1, 1903; 2. residence in the State two years, in the county one year and in the precinct thirty days; 3. the registration of the voter as prescribed by law; 4. ability to explain the general nature of the various officers for whom the applicant may at that time under the laws be entitled to vote; 5. that he should have been engaged, if physically able, for at least one-fourth of the time during the year next preceding that in which he offers to vote, in a lawful trade, profession, business, calling, work or service. In addition, further requirements were provided, to go into effect January 1, 1904, as follows: 6. that the application to register be in the applicant's own handwriting; 7. that the voter prepare and deposit his ballot without aid from another.

The minority report containing the Daniel plan recommended as permanent requirements for those registering to vote: 1. the ability to read any section of the State constitution which might be submitted by the registration officers, and the ability to give a reasonable interpretation of the same; 2. residence of two years in the State, one in the county or city, and thirty days in the precinct in which the application for the right to vote is made; 3. the prepayment of all capitation taxes six months before the election; 4. registration in the applicant's own handwriting without assistance, except in the case of old soldiers and those physically incapable of doing so.¹²

¹¹ *Debates of the Constitutional Convention of Virginia, 1901-1902*, pp. 599-606; 620-628.

¹² The other minority report, that of Mr. Wysor, contained no understanding clause.

The Daniel plan was amended by Mr. Carter Glass to provide for the ending of the understanding clause requirement on January 1, 1904. All these plans were referred to the Democratic conference. After a long discussion, the Glass and Thom factions adjourned the conference, got together and worked out a compromise plan. By this plan the understanding clause was to end in 1909, subject to a vote of the people at that time as to whether it should be permanent after that year. This was a compromise between the Glass plan of a temporary understanding clause and the Thom plan. The compromise settled nothing definitely and was unsatisfactory. It was amended by Mr. Wysor, along lines proposed at an earlier time by Mr. Glass, so as to have the understanding clause inoperative after January 1, 1904. This amended plan was the one finally agreed upon.¹³

Article II of the present Virginia Constitution, concerning the "elective franchise and qualifications for office," which includes the Glass compromise, was finally adopted by the convention on April 4, 1902 by a vote of 59 to 20. Eight Repub-

¹³ *Debates*, p. 2994.

It was adopted by a vote of 59-20. *Journal and Documents of the Constitutional Convention of Virginia, 1901-1902*, p. 487. Mr. Wysor, like many who voted for the Glass plan, did not favor any understanding clause, but accepted this compromise as the only possible means of effecting harmony among the various factions. (*Debates*, pp. 2993-2994). Dr. McIlwaine, of Prince Edward, who was elected by the whites from the county that was the last to have negro representation, opposed even a temporary understanding clause, as too radical, and proposed as a substitute some form of educational test for registering. He characterized the understanding and grandfather clauses as a disgrace to the State. (*Debates*, 4996-3006). Mr. Hatton of Portsmouth said, "As one of those delegates who opposed the understanding clause and who comes from the Black Belt, I stand here in this presence and declare my thankfulness to the Almighty that I and my colleagues from the Black Belt were endowed with the wisdom and foresight to oppose and defeat the permanent understanding clause." Although opposing both the understanding and grandfather clauses he accepted the Glass compromise for the sake of harmony. (*Debates*, 3017). There were many similar expressions of opinion among those who voted for the compromise.

licans voted against it and none of them for it. Among the most prominent of the twelve Democrats who voted with the Republicans were McIlwaine, of Prince Edward; Pollard, of Richmond city, and Watson, of Nottoway and Amelia. Some of these Democrats voted against the article because they considered it too radical, and others because they thought that it was not sufficiently radical.

The debate on the question as to whether the constitution should be submitted to the approval of the people or proclaimed by the convention was one of the longest and most earnest of the session. Some advocated its submission to the electorate provided for in the constitution. This would obviously have been little more than proclamation under another guise. To submit the constitution to the electorate as then constituted, on the other hand, would have meant a bitter and expensive campaign, and it might have meant even the defeat of the constitution and the return to the undesirable situation of former years. It was finally decided, on May 29, 1902, to proclaim the constitution.

By Article II of this instrument every male citizen of the United States twenty-one years of age, who has been a resident of the State two years, of the county, city or town one year, and of the precinct in which he offers to vote thirty days next preceding the election in which he offers to vote, has paid his poll tax (\$1.50) six months prior to the election, and has registered, is allowed to vote.

The following could register during 1902 and 1903:

"First. A person who, prior to the adoption of this Constitution, served in time of war in the army or navy of the United States or of the Confederate States; or,

"Second. A son of any such person; or,

"Third. A person who owns property, upon which, for the year preceding that in which he offers to register, state taxes aggregating at least one dollar have been paid; or,

"Fourth. A person able to read any section of this Constitution submitted to him by the officers of registration and to give a reasonable explanation of the same; or, if unable to read such section, able to understand and to give a reasonable explanation thereof when read to him by the officers."

Those who registered under the above conditions during 1902 and 1903 remained permanently on the roll of voters, provided that they did not cease to be residents of the State or otherwise disqualify themselves.¹⁴

But after January 1, 1904, every male citizen of the United States having the qualifications of age and residence given above could register, provided:

"First. That he has personally paid to the proper officer all state poll taxes assessed or assessable against him, under this or the former Constitution, for the three years next preceding that in which he offers to register; or, if he comes of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

"Second. That, unless physically unable, he make application to register in his own handwriting, without aid, suggestion or memorandum, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, and whether he has previously voted, and, if so, the state, county, and precinct in which he voted last; and,

"Third. That he answer on oath any and all questions affecting his

¹⁴ Those excluded from registering and voting are: "idiots, insane persons, and paupers; persons who, prior to the adoption of this Constitution, were disqualified from voting, by the conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretenses, embezzlement, forgery, or perjury; persons who, while citizens of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel, either within or without this State, or knowingly conveyed a challenge, or aided, or assisted in any way in the fighting of such duel." (Officers of the federal army or navy, inmates of charitable institutions and students at institutions of learning neither gain nor lose their right of suffrage by their location in the State or in any of its local divisions). Article II, sections 23 and 24. For complete text of Article II, see Appendix No. II.

qualifications as an elector, submitted to him by the officers of registration, which questions, and his answers thereto, shall be reduced to writing, certified by the officers, and preserved as a part of their official records."

Furthermore, since January 1, 1904, only those can vote who have paid, at least six months prior to the election, all poll taxes assessed or assessable against them for three years next preceding that in which they offer to vote. Voters, registered since January 1, 1904, are also required, unless physically unable, to prepare and deposit their ballots without aid. Those registering prior to that date can receive such aid. The understanding clause and the grandfather clause were not effective after that date.

It was enacted that the General Assembly may prescribe a property qualification not exceeding two hundred dollars for voting in any election of officers, other than the members of the General Assembly, to be elected by the voters of such county or subdivision thereof or city, or town; such action, if taken, to be made upon the initiative of a representative in the General Assembly of the locality concerned.¹⁵

Rules governing registration were made, and registration officers in the several counties, to hold office until 1904, were appointed by the convention.¹⁶

The constitution was signed by all the Democratic members except those who were unable to be present. Only two of the twelve Republican delegates were willing to put their signatures to the instrument.¹⁷

¹⁵Article II, Section 30.

¹⁶*Journal and Documents of the Constitutional Convention of Virginia, 1901-1902.*

¹⁷The Republican members of the convention voted in matters of representation and suffrage almost solidly against any changes in the Constitution of 1868, as it then existed. Their attitude towards negro suffrage was in keeping with the traditions of the Republican party in Virginia and with the national Republican Platform of 1900, which said, "It was the plain purpose of the Fifteenth Amendment of the Constitution to prevent discrimination on account of race or color in regulating the elective franchise. The devices of such [state] governments, ordered by statutory or constitutional enactment, are revolutionary and should be condemned."

The new constitution of Virginia was a remarkably conservative and moderate instrument in view of the political and racial conditions that existed and that had existed in the State. Its reception at the hands of the public in the North shows a marked change in the attitude of that section towards the struggle of the Southern States to solve their great problem. But there were still some voices raised in protests which savored of the violence and sectionalism of the ultra-abolitionists of the days of war and the Reconstruction. The *Nation*, for example, which had shown remarkable moderation when the South was passing through its most trying period, hailed the work of the Virginia convention of 1901 as a "monstrous constitution." "The most preposterous questions," it said, "which no constitutional lawyer of eminence could answer off-hand, have been asked of negro citizens of means, probity, and standing, when they have sought to exercise the right of suffrage conferred upon them by the Congress and the people of the United States."¹⁸ The fallacy and injustice of this statement is apparent from a glance at the constitution. No man fulfilling the common requirement of age and residence, who had about three hundred dollars' worth of property upon which he paid taxes, (that is, upon which state taxes aggregating at least one dollar had been paid), was required to interpret the constitution or was prevented from voting if he paid his poll tax¹⁹—be he white or black. "Men of means, property and standing" are obviously not excluded from voting under the Constitution of 1902. In fact an argument used on several occasions by those advocating these requirements in the convention was that the better class of negroes would welcome the

¹⁸ The *Nation*, December 25, 1902 (lxxv; 496).

¹⁹ There were at this time only 8,144 male negro citizens of the Commonwealth who were assessed for taxes on real estate valued at \$300. (There were 95,662 whites). Document in *Journal and Documents of the Constitutional Convention of 1901*. There were only 31,976 colored males in the State in 1901 assessed for taxes on property of the value of \$100 whether real, personal, or both combined. *Ibid.*, Document No. 17. There were at that time 69,358 illiterate male negroes of voting age. *Ibid.*, Document No. 7.

elimination of those of their race who cast discredit upon all colored voters, and that the regulations placed upon the suffrage would stimulate the more worthy and ambitious among those who were disfranchised to better their economic and social condition. Some of the better class actually advocated the limiting of the negro vote for these reasons. The objectional grandfather and understanding clauses were in force only eighteen months.

These clauses were incorporated in the constitution for the purpose of giving many illiterate whites the opportunity to enroll, while excluding illiterate negroes. This was necessary in order to obtain the support of the western counties for the constitution. The illiterate whites were fewer in number than the illiterate negroes and had not been a political menace except when they combined with the negroes in State politics. Furthermore, as the *Review of Reviews* rightly observed, there is nothing "radically unfair in this plan. Generally speaking, the illiterate white man possesses greater political capacity than the illiterate negro. The important part of a measure of this kind is not the temporary but the permanent method that it introduces. . . . The best and wisest friends of the negro race are not worrying themselves at all about new Southern franchise laws. No Southern State has made provisions which exclude the negro of intelligence and property."²⁰

The changed attitude of thoughtful people in other parts of the country towards this legislation was due to a better understanding of the problem facing the South and to more cordial relations between the different sections. A generation of experimentation, discussion and study had forced the more open-minded of both races, who knew conditions in the South, to agree with Charles Dudley Warner when he said that "no permanent righteous adjustment of relations" could come until the negro would cease to be tempted with office for which he was in no sense fitted, and until he was no longer made a "pawn in the game of politics"; that liberal education for the

²⁰ *Review of Reviews*, May, 1902. (xxv, 533); see also the *Outlook*, June 13, 1903. (lxxiv, 399) and lxxv, 493 984.

masses of the negroes at the South had been for the most part a failure; and that the negroes' greatest needs were social betterment and industrial education.²¹

George Washington Murray, a colored man and sometime member of Congress from South Carolina, wrote in 1902, "As we see it, the mistake of the nineteenth century was the attempt to make the ex-slave a governor before he had learned to be governed."²² "In my mind," wrote Booker T. Washington in 1901, "there is no doubt but that we made a mistake at the beginning of our freedom of putting the emphasis on the wrong end. Politics and the holding of office were too largely emphasized, almost to the exclusion of every other interest."²³

Fortunately, the negroes of America had at this time as their leader, Booker T. Washington, of Virginia, a man whose intellect, zeal and tact won him the respect and admiration of men of both races and of all sections. He came into prominence at the time when the negroes were being eliminated from politics by legal methods in one Southern State after another. He did much to acquaint the North with the real conditions and needs of his people in the South, to show the South the negro point of view and to teach his people a new doctrine, which most of their former leaders had ignored—that they should first make themselves fit citizens before clamoring for the full privileges of citizenship, that material prosperity and moral worth were essential for their true enlightenment and power, and that practical moral and manual training was what they most needed. He also taught them that they had no need of troubling themselves or their white neighbors about social

²¹ Address at Columbia University before the American Social Science Association. Quoted in the *Richmond Times*, May 9, 1900.

²² In the *Twentieth Century Negro Literature*, edited by D. W. Culp, p. 232. See also article by George H. White, a negro who was elected as a representative in Congress from North Carolina in 1896 and in 1898, pp. 224, 225. For the view of a Northern mulatto who represented the anti-Booker T. Washington school, see article by T. Thomas Fortune, editor of the *New York Age*, *Ibid.*, pp. 227-231.

²³ Booker T. Washington, *The Future of the American Negro*, p. 130.

equality. "In all things that are purely social," he said, "we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress."²⁴ His advice came at an opportune time and aided in no small degree in turning the thoughts of the colored people away from politics and other things that had brought them only useless sorrow in the past, and in interesting them in what they really needed.

It is a matter of regret that it has been necessary to disfranchise a large body of citizens by methods some of which did not seem in themselves commendable. But as a very just and capable writer on the subject, Edgar Gardner Murphy, has expressed it, "The supreme question was not the protection of the negro but the protection of society itself. . . . White supremacy, at that stage in the development of the South, was necessary to the supremacy of intelligence, administrative capacity and public order, and involved even the existence of those economic and civic conditions upon which the progress of the negro was itself dependent."²⁵

The negroes were an active factor in Virginia politics for thirty-seven years. When initiated into politics, they were led by unscrupulous men to vote in opposition to their former masters. They were taught that they were already capable of assuming control of the government, and were carried away by the speech-making, elections and other outward forms of politics. In 1868 they attempted to withhold the franchise from thousands of the white people and to prevent practically every reputable white man in the State from holding office. The color line was closely drawn by the negroes and their white leaders. After the elimination of the carpetbaggers, colored voters were used to keep the Readjuster party and the Mahone machine in power from 1879 to 1883. After 1883 the negro vote ceased to determine State elections. But the negroes continued to elect officers in the black counties until the nineties and were a constant source of election frauds, trickery

²⁴ Atlanta Exposition address quoted in Booker T. Washington, *Up From Slavery*, ch. xiv.

²⁵ Edgar Gardner Murphy, *Problems of the Present South*, p. 190.

and irritation that threatened to corrupt the whole body politic of the Commonwealth. Race relations were becoming more strained. To remedy this state of affairs, the Constitution of 1902 was adopted. The race question then became only a potential factor in Virginia politics.

The subsequent history of Virginia has proved the wisdom of the suffrage laws embodied in the Constitution of 1902. Fraud in elections is almost unknown in the Commonwealth, and men have become more independent in politics. The best element of the negroes continues to vote. The colored people have made remarkable progress and race relations have been good.

Though the people of Virginia and of the nation can congratulate themselves upon this progress and harmony, they should ever be mindful of the fact that wherever two widely dissimilar races live side by side in great numbers and can not mingle their blood, there exists a problem that can never be ignored, and that mutual understanding, good feeling and justice on all sides are necessary for harmony. An accurate knowledge of race conditions in Virginia, not only of the past but of the present, are necessary for an unbiased judgment in considering race relations. The races in Virginia now work together in harmony and are friends. This relationship will continue only so long as no exterior factor disturbs the equilibrium. There can be no more appropriate conclusion to this work than the good advice of Senator John Sharp Williams, of Mississippi, "In the face of this great problem, it would be well that wise men think more, that good men pray more, and that all men talk less and curse less."

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APPENDIX I

ARTICLE III, CONSTITUTION OF VIRGINIA, 1868.¹

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE.

Section 1. Every male citizen of the United States, twenty-one years old, who shall have been a resident of this state twelve months, and of the county, city or town in which he shall offer to vote, three months next preceding any election, shall be entitled to vote upon all questions submitted to the people at such election: provided, that no officer, soldier, seaman or marine of the United States army or navy shall be considered a resident of this state by reason of being stationed therein: and provided also, that the following persons shall be excluded from voting:

1st. Idiots and lunatics.

2nd. Persons convicted of bribery in any election, embezzlement of public funds, treason or felony.

3rd. No person who, while a citizen of this state, has, since the adoption of this constitution, fought a duel with a deadly weapon, either within or beyond the boundaries of this state, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to vote or hold any office of honor, profit or trust, under this constitution.

[4th. Every person who has been a senator or representative in congress, or elector of president or vice-president, or who held any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, shall have engaged in insurrection or

¹ Code of Virginia, 1873, pp. 70-71.

rebellion against the same, or given aid or comfort to the enemies thereof.

"This clause shall include the following officers: governor, lieutenant-governor, secretary of state, auditor of public accounts, second auditor, register of the land office, state treasurer, attorney-general, sheriffs, sergeants of a city or town, commissioner of the revenue, county surveyors, constables, overseers of the poor, commissioner of the board of public works, judges of the supreme court, judges of the circuit court, judges of the court of hustings, judges of the county courts, mayor, recorder, aldermen, councilmen of a city or town, coroners, escheators, inspectors of tobacco, flour, &c., clerks of the supreme, district, circuit, and county courts, and of the court of hustings, and attorneys for the commonwealth: provided, that the legislature may, by a vote of three-fifths of both houses, remove the disabilities incurred by this clause from any person included therein by a separate vote in each case.] ¹

Sec. 2. All elections shall be by ballot, and all persons entitled to vote shall be eligible to any office within the gift of the people, except as restricted in this constitution.

Sec. 3. All persons entitled to vote and hold office, and none others, shall be eligible to sit as jurors.

Sec. 4. The general assembly shall, at its first session under this constitution, enact a general registration law; and every person offering or applying to register shall take and subscribe, before the officer charged with making a registration of voters, the following oath:

"I, _____, do solemnly swear (or affirm) that I am not disqualified from exercising the right of suffrage by the constitution framed by the convention which assembled in the city of Richmond on the third day of December, 1867, and that I will support and defend the same to the best of my ability."

Sec. 5. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform mil-

¹ *Code of Virginia*, 1873, pp. 26-27.

itary service, except in time of war or public danger, to work upon public roads, or to attend any court as suitor, juror or witness: and no voter shall be subject to arrest, under any civil process, during his attendance at elections, or in going to or returning from them.

OATH OF OFFICE.

Sec. 6. All persons, before entering upon the discharge of any function as officers of this state, must take and subscribe the following oath or affirmation:

"I, _____, do solemnly swear (or affirm) that I will support and maintain the constitution and laws of the United States, and the constitution and laws of the state of Virginia; that I recognize and accept the civil and political equality of all men before the law, and that I will faithfully perform the duty of _____ to the best of my ability. So help me God."

[Sec. 7. In addition to the foregoing oath of office, the governor, lieutenant-governor, members of the general assembly, secretary of state, auditor of public accounts, state treasurer, attorney-general, and all persons elected to any convention to frame a constitution for this state, or to amend or revise this constitution in any manner, and mayor and council of any city or town, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation, provided the disabilities therein contained may be individually removed by a three-fifths vote of the general assembly: "I, _____, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement, to persons engaged in armed hostility thereto; that I have never sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution, within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best

of my knowledge and ability, I will support and defend the constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God." The above oath shall also be taken by all the city and county officers before entering upon their duties, and by all other state officers not included in the above provision."] ²

² *Code of Virginia*, 1873, p. 27.

APPENDIX II

ARTICLE II, CONSTITUTION OF VIRGINIA, 1902.

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE.

Sec. 18. Every male citizen of the United States, twenty-one years of age, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to vote, thirty days, next preceding the election in which he offers to vote, has been registered, and has paid his state poll taxes, as hereinafter required, shall be entitled to vote for members of the General Assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city, or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of thirty days after such removal.

Sec 19. There shall be general registrations in the counties, cities and towns of the State during the years nineteen hundred and two and nineteen hundred and three at such times and in such manner as may be prescribed by an ordinance of this convention. At such registrations every male citizen of the United States having the qualifications of age and residence required in section Eighteen shall be entitled to register, if he be:

First. A person who, prior to the adoption of this Constitution, served in time of war in the army or navy of the United States, of the Confederate States, or of any state of the United States or of the Confederate States; or,

Second. A son of any such person; or,

Third. A person, who owns property, upon which, for the year next preceding that in which he offers to register, state taxes aggregating at least one dollar have been paid; or,

Fourth. A person able to read any section of this Constitution submitted to him by the officers of registration and to give

a reasonable explanation of the same; or, if unable to read such section, able to understand and give a reasonable explanation thereof when read to him by the officers.

A roll containing the names of all persons thus registered, sworn to and certified by the officers of registration, shall be filed, for record and preservation, in the clerk's office of the circuit court of the county, or the clerk's office of the corporation court of the city, as the case may be. Persons thus enrolled shall not be required to register again, unless they shall have ceased to be residents of the State, or become disqualified by section Twenty-Three. Any person denied registration under this section shall have the right of appeal to the circuit court of his county, or the corporation court of his city, or to the judge thereof in vacation.

Sec. 20. After the first day of January, nineteen hundred and four, every male citizen of the United States, having the qualifications of age and residence required in section Eighteen, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all state poll taxes assessed or assessable against him, under this or the former Constitution, for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

Second. That, unless physically unable, he make application to register in his own hand-writing, without aid, suggestion, or memorandum, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, and whether he has previously voted, and, if so, the state, county, and precinct in which he voted last; and,

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions, and his answers thereto,

shall be reduced to writing, certified by the said officers, and preserved as a part of their official records.

Sec. 21. Any person, registered under either of the last two sections, shall have the right to vote for members of the General Assembly and all officers elective by the people, subject to the following conditions:

That he, unless exempted by section Twenty-two, shall, as a prerequisite to the right to vote after the first day of January, nineteen hundred and four, personally pay, at least six months prior to the election, all state poll taxes assessed or assessable against him, under this Constitution, during the three years next preceding that in which he offers to vote; provided that, if he register after the first day of January, nineteen hundred and four, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

Sec. 22. No person who, during the late war between the States, served in the army or navy of the United States, or the Confederate States, or any state of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the state poll tax assessed against any one shall not be enforced by legal process until the same has become three years past due.

Sec. 23. The following persons shall be excluded from registering and voting: Idiots, insane persons, and paupers; persons who, prior to the adoption of this Constitution, were disqualified from voting by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery, or perjury; persons who, while citizens of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent

or accepted a challenge to fight such duel, either within or without this State, knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel.

Sec. 24. No officer, soldier, seaman, or marine of the United States army or navy shall be deemed to have gained a residence as to the right of suffrage, in the State, or in any county, city or town thereof, by reason of being stationed therein; nor shall an inmate of any charitable institution or a student in any institution of learning, be regarded as having either gained or lost a residence, as to the right of suffrage by reason of his location or sojourn in such institution.

Sec. 25. The General Assembly shall provide for the annual registration of voters under Section Twenty, for an appeal by any person denied registration, for the correction of illegal or fraudulent registration, thereunder, and also for the proper transfer of all voters registered under this Constitution.

Sec. 26. Any person who, in respect to age or residence, would be qualified to vote at the next election, shall be admitted to registration, notwithstanding that at the time thereof he is not so qualified, and shall be entitled to vote at said election if then qualified under the provisions of this Constitution.

Sec. 27. All elections by the people shall be by ballot; all elections by any representative body shall be viva voce, and the vote recorded in the journal thereof.

The ballot-box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

So far as consistent with the provisions of this Constitution, the absolute secrecy of the ballot shall be maintained.

Sec. 28. The General Assembly shall provide for ballots, without any distinguishing mark or symbol, for use in all state, county, city, and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession; but any voter may erase any name and insert another.

Sec. 29. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

Sec. 30. The General Assembly may prescribe a property qualification not exceeding two hundred and fifty dollars for voters in any county or subdivision thereof, or city or town, as a prerequisite for voting in any election for officers, other than the members of the General Assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town; such action, if taken, to be had upon the initiative of a representative in the General Assembly of the county, city, or town affected; provided, that the General Assembly in its discretion may make such exemptions from the operation of said property qualification as shall not be in conflict with the constitution of the United States.

Sec. 31. There shall be in each county and city an electoral board, composed of three members, appointed by the circuit court of the county or the corporation court of the city, or the judge of the court in vacation. Of those first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years; and thereafter their successors shall be appointed for the full term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the judges, clerks, and registrars of election for its county or city; and, in appointing judges of election, representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument, under the United States Government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in

any county, city, or town thereof, shall be appointed a member of the electoral board, or registrar, or judge of election.

Sec. 32. Every person qualified to vote shall be eligible to any office of the State, or of any county, city, town, or other subdivision of the State, wherein he resides, except as otherwise provided in this Constitution, and except that this provision as to residence shall not apply to any office elective by the people where the law provides otherwise. Men and women eighteen years of age shall be eligible to the office of notary public, and qualified to execute the bonds required of them in that capacity.

Sec. 33. The terms of all officers elected under this Constitution shall begin on the first day of February next succeeding their election, unless otherwise provided in this Constitution. All officers, elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired until their successors have qualified.

Sec. 34. Members of the General Assembly and all officers, executive and judicial, elected or appointed after this Constitution goes into effect, shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia ordained by the convention which assembled in the city of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my ability; so help me God."

Sec. 35. No person shall vote at any legalized primary election for the nomination of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

Sec. 36. The General Assembly shall enact such laws as are necessary and proper for the purpose of securing the regularity and purity of general, local and primary elections, and preventing and punishing any corrupt practices in connection there-

with; and shall have power, in addition to other penalties and punishments now or hereafter prescribed by law for such offences, to provide that persons convicted of them shall thereafter be disqualified from voting or holding office.

Sec. 37. The General Assembly may provide for the use, throughout the State or in any one or more counties, cities, or towns in any election, of machines for receiving, recording, and counting the votes cast thereat: provided, that the secrecy of the voting be not thereby impaired.

Sec. 38. After the first day of January, nineteen hundred and four, the treasurer of each county and city shall, at least five months before each regular election, file with the clerk of the circuit court of his county, or of the corporation court of his city, a list of all persons in his county or city, who have paid not later than six months prior to such election, the state poll taxes required by this Constitution during the three years next preceding that in which such election is held; which list shall be arranged alphabetically, by magisterial districts or wards, shall state the white and colored persons separately, and shall be verified by the oath of the treasurer. The clerk, within ten days from the receipt of the list, shall make and certify a sufficient number of copies thereof, and shall deliver one copy for each voting place in his county or city, to the sheriff of the county or sergeant of the city, whose duty it shall be to post one copy, without delay, at each of the voting places, and, within ten days from the receipt thereof, to make return on oath to the clerk, as to the places where and dates at which said copies were respectively posted; which return the clerk shall record in a book kept in his office for the purpose; and he shall keep in his office for public inspection, for at least sixty days after receiving the list, not less than ten certified copies thereof, and also cause the list to be published in such other manner as may be prescribed by law; the original list returned by the treasurer shall be filed and preserved by the clerk among the public records of his office for at least five years after receiving the same. Within thirty days after the list has been so posted, any person who shall have paid his capitation tax, but whose name is omitted from the certified list, may, after five

days' written notice to the treasurer, apply to the circuit court of his county, or corporation court of his city, or to the judge thereof in vacation, to have the same corrected and his name entered thereon, which application the court or judge shall promptly hear and decide.

The clerk shall deliver, or cause to be delivered, with the poll-books, at a reasonable time before every election, to one of the judges of election of each precinct of his county or city, a like certified copy of the list, which shall be conclusive evidence of the facts therein stated for the purpose of voting. The clerk shall also, within sixty days after the filing of the list by the treasurer, forward a certified copy thereof, with such corrections as may have been made by order of the court or judge, to the Auditor of Public Accounts, who shall charge the amount of the poll taxes stated therein to such treasurer unless previously accounted for.

Further evidence of the prepayment of the capitation taxes required by this Constitution, as a prerequisite to the right to register and vote, may be prescribed by law.

APPENDIX III

CONSOLIDATED LIST OF PERSONS REGISTERED AS VOTERS IN THE STATE OF VIRGINIA UNDER THE RECONSTRUCTION ACTS OF CONGRESS. (1867).¹

No.	Counties, etc.	Number Registered			Per cent Colored
		White	Colored	Total	
1	Richmond City	5,382	6,284	11,666	54.0
2	Norfolk County, City of Portsmouth	2,738	3,281	6,019	54.5
3	Albemarle	2,310	2,759	5,069	54.4
4	Augusta	3,579	1,362	4,941	27.6
5	Bedford	2,408	2,110	4,518	46.7
6	Campbell	2,576	2,978	5,554	53.6
7	Halifax	1,980	3,402	5,382	63.2
8	Loudoun	2,799	1,007	3,806	26.5
9	Mecklenburg	1,275	2,843	4,118	69.0
10	Pittsylvania	2,768	3,534	6,302	56.0
11	Rockingham	2,881	431	3,312	13.0
12	Norfolk City	1,910	2,049	3,959	51.8
13	Petersburg City	1,546	2,647	4,193	63.0
14	Alexandria	1,491	1,933	3,524	54.8
15	Amelia	494	1,492	1,986	75.0
16	Amherst	1,515	1,371	2,886	47.5
17	Botetourt	1,420	662	2,082	31.8
18	Brunswick	775	1,733	2,508	69.1
19	Buckingham	1,072	1,799	2,871	62.6
20	Charlotte	913	2,080	2,993	69.5
21	Culpeper	1,005	896	1,901	47.1
22	Cumberland	535	1,331	1,866	71.4
23	Fairfax	1,400	1,039	2,439	42.6
24	Fluvanna	884	970	1,854	52.4
25	Frederick	2,093	540	2,633	20.5
26	Goochland	662	1,519	2,181	69.5
27	Hanover	1,504	1,556	3,060	50.9
28	Henrico	1,229	1,879	3,108	60.4
29	Henry	1,017	1,006	2,023	49.7

¹ *Documents of the Constitutional Convention of 1867-1868.*

30	Louisa	1,122	1,761	2,883	61.1
31	Lunenburg	726	1,219	1,945	62.6
32	Montgomery	1,546	567	2,113	26.8
33	Nansemond	1,084	1,154	2,238	51.6
34	Nelson	1,243	1,268	2,511	50.5
35	Nottoway	481	1,448	1,929	75.1
36	Orange	899	1,081	1,980	54.6
37	Princess Anne	870	931	1,801	51.6
38	Southampton	1,124	1,273	2,397	53.1
39	Wythe	1,581	480	2,061	23.3
40	Chesterfield	1,871	2,018	3,889	51.9
41	Powhatan	451	1,173	1,624	72.2
42	Caroline	1,317	1,402	2,719	51.6
43	King George	456	439	895	49.0
44	Spottsylvania	1,310	1,026	2,336	44.0
45	Accomac	2,058	1,470	3,523	41.7
46	Northampton	556	1,004	1,560	64.4
47	Bath	418	111	529	21.0
48	Highland	602	58	660	8.8
49	Rockbridge	2,171	1,051	3,222	32.6
50	Carroll	1,410	65	1,475	4.4
51	Floyd	1,360	189	1,549	12.2
52	Grayson	1,289	128	1,417	9.0
53	Fauquier	1,889	1,299	3,188	40.7
54	Rappahannock	1,007	479	1,486	32.2
55	Northumberland	648	451	1,099	41.0
56	Lancaster	362	487	849	57.4
57	Richmond	591	489	1,080	45.3
58	Westmoreland	625	663	1,288	51.5
59	Patrick	1,197	326	1,523	21.4
60	Franklin	2,109	1,091	3,200	34.1
61	Prince Edward	709	1,659	2,428	68.2
62	Appomattox	759	903	1,662	54.2
63	Prince George	535	1,095	1,630	67.2
64	Dinwiddie	705	1,606	2,311	69.6
65	Lee	1,487	120	1,607	7.5
66	Scott	1,884	110	1,994	5.0
67	Wise	654	9	663	1.3
68	Page	1,248	190	1,438	13.2
69	Shenandoah	2,168	176	2,344	7.5
70	Smyth	1,283	319	1,602	19.9
71	Washington	2,479	637	3,116	20.4
72	Alleghany	484	93	577	16.1
73	Craig	448	47	495	9.5
74	Roanoke	1,030	650	1,680	38.6
75	Charles City (Co.).....	309	658	967	68.0

76 New Kent	370	454	824	55.0
77 Clarke	763	378	1,141	34.2
78 Warren	656	197	853	23.1
79 Elizabeth City (Co.).....	361	1,585	1,946	81.5
80 Warwick	135	291	426	68.3
81 Gloucester	864	869	1,729	50.2
82 Matthews	651	334	985	33.9
83 Isle of Wight.....	871	656	1,527	43.0
84 Surry	447	582	1,029	59.6
85 King and Queen.....	710	883	1,593	55.4
86 King William	488	713	1,201	59.4
87. Madison	808	599	1,407	42.5
88 Greene	556	263	819	32.1
89 Middlesex	388	409	797	51.4
90 Essex	576	1,124	1,700	66.1
91 Pulaski	693	366	1,059	34.5
92 Giles	829	139	968	14.4
93 Russell	1,415	224	1,639	13.7
94 Buchanan	463	5	468	1.1
95 Stafford	847	253	1,100	23.0
96 Prince William	958	307	1,265	24.3
97 Greenville	303	720	1,023	70.5
98 Sussex	535	1,109	1,639	67.5
99 Bland	687	56	743	7.5
100 Tazewell	1,309	275	1,584	17.4
101 James City (Co.).....	226	492	718	68.5
102 York	425	1,188	1,613	73.5
Total.....	120,101	105,832	225,933	47.0

APPENDIX IV

POPULATION OF VIRGINIA. 1900.¹

County	White	Colored	Total	Per cent Colored
Accomac	20,743	11,827	32,570	36.3
Albemarle	18,135	10,338	28,473	36.3
Alexandria	3,962	2,468	6,430	38.3
Alleghany	11,415	4,915	16,330	30.1
Amelia	3,052	5,985	9,037	66.2
Amherst	10,807	7,057	17,864	39.5
Appomattox	5,731	3,931	9,662	40.6
Augusta	26,670	5,700	32,370	17.6
Bath	4,589	1,006	5,595	17.9
Bedford	20,617	9,739	30,356	32.1
Bland	5,285	212	5,497	3.85
Botetourt	13,284	3,877	17,161	22.5
Brunswick	7,375	10,842	18,217	59.5
Buchanan	9,687	5	9,692	005
Buckingham	7,415	7,851	15,266	51.4
Campbell	13,641	9,615	23,256	41.3
Caroline	7,667	9,042	16,709	54.1
Carroll	18,964	339	19,303	1.75
Charles City	1,344	3,696	5,040	73.3
Charlotte	6,798	8,545	15,343	55.6
Chesterfield	11,105	7,699	18,804	40.9
Clarke	5,695	2,232	7,927	28.1
Craig	4,032	261	4,293	6.07
Culpeper	8,069	6,054	14,123	42.8
Cumberland	2,791	6,205	8,996	68.9
Dickenson	7,747	0	7,747	000
Dinwiddie	5,874	9,500	15,374	61.7
Elizabeth City	10,757	8,703	19,460	44.7
Essex	3,576	6,125	9,701	63.1
Fairfax	13,576	5,004	18,580	26.9
Fauquier	15,074	8,300	23,374	35.5
Floyd	14,313	1,075	15,388	6.98
Fluvanna	5,039	4,011	9,050	44.3

¹ United States Census, 1900.

Franklin	20,005	5,948	25,953	22.9
Frederick	12,486	753	13,239	5.68
Giles	9,997	799	10,793	7.40
Gloucester	6,224	6,608	12,832	41.4
Goochland	3,961	5,558	9,519	58.4
Grayson	15,894	959	16,853	4.69
Greene	4,783	1,431	6,214	23.0
Greenville	3,401	6,357	9,758	65.1
Halifax	17,922	19,275	37,197	51.8
Hanover	9,696	7,922	17,618	44.9
Henrico	17,246	12,816	30,062	42.6
Henry	10,881	8,384	19,265	43.5
Highland	5,269	378	5,647	6.69
Isle of Wight.....	6,833	6,269	13,102	47.8
James City	1,346	2,342	3,688	63.5
King and Queen	4,006	5,259	9,265	56.7
King George	3,596	3,322	6,918	48.0
King William	3,266	5,114	8,380	61.0
Lancaster	4,058	4,891	8,949	54.6
Lee	19,116	740	19,856	3.72
Loudoun	16,079	5,869	21,948	26.7
Louisa	7,896	8,621	16,517	52.1
Lunenburg	5,133	6,572	11,705	56.1
Madison	6,695	3,521	10,216	34.4
Mathews	5,844	2,395	8,239	29.0
Mecklenburg	10,353	16,198	26,551	61.1
Middlesex	3,684	4,536	8,220	55.1
Montgomery	12,927	2,925	15,852	18.4
Nansemond	10,115	12,963	23,078	56.1
Nelson	10,403	5,672	16,075	35.2
New Kent	1,660	3,205	4,865	65.8
Norfolk	19,113	31,667	50,780	62.3
Northampton	6,141	7,629	13,770	55.4
Northumberland	5,680	4,166	9,846	42.3
Nottoway	4,966	7,400	12,366	59.8
Orange	7,050	5,521	12,571	43.9
Page	12,354	1,440	13,794	10.4
Patrick	13,779	1,624	15,403	10.5
Pittsylvania	25,605	21,289	46,894	45.4
Powhatan	2,343	4,481	6,824	65.6
Prince Edward	5,276	9,769	15,045	64.9
Prince George	2,886	4,866	7,752	62.7
Princess Anne	5,505	5,687	11,192	50.8
Prince William	8,240	2,872	11,112	25.8
Pulaski	11,373	3,237	14,609	22.1
Rappahannock	6,121	2,722	8,843	30.8

Richmond	4,159	2,929	7,088	41.3
Roanoke	11,990	3,847	15,837	24.3
Rockbridge	17,715	4,084	21,799	18.7
Rockingham	30,893	2,634	33,527	7.85
Russell	17,267	764	18,031	4.23
Scott	22,067	627	22,694	2.76
Shenandoah	19,604	649	20,253	3.20
Smyth	15,950	1,171	17,121	6.83
Southampton	9,165	13,683	22,848	59.8
Spottsylvania	5,353	3,886	9,239	42.1
Stafford	6,489	1,608	8,097	19.8
Surry	3,286	5,183	8,469	61.2
Sussex	4,121	7,961	12,082	65.9
Tazewell	19,802	3,582	23,384	15.3
Warren	7,372	1,465	8,837	16.6
Warwick	1,159	3,729	4,888	76.3
Washington	26,434	2,561	28,995	8.83
Westmoreland	4,381	4,862	9,243	52.6
Wise	17,688	1,965	19,653	9.99
Wythe	17,653	2,784	20,437	13.6
York	3,401	4,081	7,482	54.5

Cities

Alexandria	9,987	4,541	14,528	31.2
Bristol	3,551	1,028	4,579	22.4
Buena Vista	1,978	410	2,388	17.2
Charlottesville	3,834	2,615	6,449	40.5
Danville	10,002	6,518	16,520	39.4
Fredericksburg	3,446	1,622	5,068	32.0
Lynchburg	10,637	8,254	18,891	43.7
Manchester	6,376	3,339	9,715	34.4
Newport News	12,788	6,847	19,635	34.9
Norfolk	26,317	20,307	46,624	43.5
Petersburg	11,057	10,753	21,810	49.7
Portsmouth	11,782	5,645	17,427	32.4
Radford	2,887	457	3,344	13.7
Richmond	52,804	32,246	85,050	37.9
Roanoke	15,654	5,841	21,495	27.2
Staunton	5,456	1,833	7,289	25.1
Winchester	4,056	1,105	5,161	21.4
Williamsburg	1,366	678	2,044	33.2

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